



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 17 February 2021**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

Wednesday, 17 February 2021

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

The **PRESIDENT** read the prayers.

## *Committees*

### **SELECT COMMITTEE ON THE HIGH LEVEL OF FIRST NATIONS PEOPLE IN CUSTODY AND OVERSIGHT AND REVIEW OF DEATHS IN CUSTODY**

#### **Extension of Reporting Date**

**The Hon. ADAM SEARLE (10:01):** I move:

That the reporting date of the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody be extended to 15 April 2021.

**Motion agreed to.**

## *Documents*

### **DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

#### **Tabling of Report of Independent Legal Arbitrator**

**The Hon. ADAM SEARLE (10:02):** I move:

- (1) That the report of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 20 January 2021, on the disputed claim of privilege on documents relating to a further order for papers regarding the ministerial disclosures of private benefits for Mr Daryl Maguire, be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

### **DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

#### **Tabling of Report of Independent Legal Arbitrator**

**The Hon. ADAM SEARLE (10:02):** I move:

- (1) That the report of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 20 January 2021, on the disputed claim of privilege on documents relating to an order for papers regarding the interests and representations of Mr Daryl Maguire, be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

## **BUDGET FINANCES**

#### **Tabling of Report of Independent Legal Arbitrator**

**The Hon. ADAM SEARLE (10:02):** I move:

- (1) That the report of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 16 February 2021, on the disputed claim of privilege on documents relating to an order for papers regarding 2020-2021 Budget Finances, be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

## **STATE BUDGET**

#### **Tabling of Report of Independent Legal Arbitrator**

**The Hon. ADAM SEARLE (10:03):** I move:

- (1) That the reports of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 20 January 2021 and 16 February 2021, on the disputed claim of privilege on documents relating to an order for papers regarding 2020-2021 Budget, be laid on the table by the Clerk.



- (2) That, on tabling, the reports are authorised to be published.

**Motion agreed to.**

*Motions*

**DOMESTIC VIOLENCE**

**Ms ABIGAIL BOYD (10:03):** I move:

- (1) That this House notes that the following Greens-initiated Local Government NSW 2020 Conference motion was carried by the Board of Local Government NSW on 11 December 2020:

"That Local Government NSW:

1. Notes the alarming increase in the prevalence of domestic abuse in New South Wales, including as a result of the COVID-19 pandemic, and the devastating impact this has on individuals and communities.
  2. Recognises that coercive control is a form of domestic abuse but that it is not currently a criminal offence under New South Wales law.
  3. Contacts the NSW Premier and NSW Attorney General calling for the criminalisation of coercive control in New South Wales, in line with the Domestic Abuse (Scotland) Act, currently considered the best-practice example of criminalising psychological, emotional and financial abuse as forms of domestic abuse."
- (2) That this House commend the Local Government NSW 2020 conference motion concerning domestic violence to the Premier, the Hon. Gladys Berejiklian, MP, and the Attorney General, the Hon. Mark Speakman, MP.

**Motion agreed to.**

**FIT FOR WORK GRADUATION CEREMONY**

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

- (1) That this House notes that:
- (a) on 17 December 2020, the Police Citizens Youth Clubs NSW held the Fit for Work Graduation Ceremony at the PCYC Campbelltown;
  - (b) the Fit for Work program targets young people aged 15 to 18 who are facing challenges at home, school or in the community and aims to reduce and prevent their involvement in antisocial behaviour and/or crime by providing them with positive opportunities that will educate, inspire, and empower them into the workforce;
  - (c) Fit for Work is a 10-week program where participants attend workshops three days per week;
  - (d) the goal is to provide a safe and supportive environment for young people who are facing challenging circumstances in life, while giving them opportunities to get "Fit for Work" by transitioning them from training, to work experience, then to full-time employment or apprenticeships;
  - (e) Fit for Work is a life-changing employment program encompassing education, fitness, functional numeracy, literacy and life skills including first aid, as well as vocational training, White Card (Construction) and work experience or employment;
  - (f) Fit for Work balances educational modules with activities young people can engage with like sports, recreation and excursion;
  - (g) the PCYC Institute, a New South Wales Registered Training Organisation [RTO], developed the 10-week syllabus to ensure the material is relevant and engaging for the target group;
  - (h) local police act as mentors during the Fit for Work program, working in partnership with young people to make sound decisions and to grow in confidence to instil genuine long-term resilience; and
  - (i) since the launch of the RISEUP Strategy, a collaborative approach with PCYC NSW and industry leaders to achieve positive outcomes for young people and divert them from the criminal justice system, 388 young people have gained employment with approximately an 80 per cent retention rate despite the challenges 2020 has presented with COVID-19.
- (2) That this House notes that the following guests attended the Fit for Work Graduation Ceremony at the PCYC Campbelltown:
- (a) graduates;
  - (b) graduate parents and/or care givers;
  - (c) local school and business representatives;
  - (d) Rose Cepero, Trainer;
  - (e) Benjamin Vicary-Coles, Youth Worker;
  - (f) Snr Constable Elise Carter, YCM;
  - (g) Dr Charlotte Frew, Youth and Crime Prevention Command;
  - (h) Leanne Oh, Youth and Crime Prevention Command;

- (i) Angie Holst, Youth and Crime Prevention Command;
  - (j) Chief Inspector Malcolm Smith, Youth and Crime Prevention Command;
  - (k) Detective Acting Inspector Donna O'Malley, Youth and Crime Prevention Command;
  - (l) Superintendent Adam Johnson, Commander for Auburn;
  - (m) Superintendent Mark Wall, Youth and Crime Command Prevention Command;
  - (n) the Hon. Louis Amato, MLC representing the Hon. David Elliott, MP, Minister for Police and Emergency Services; and
  - (o) Dominic Teakle, CEO, PCYC NSW.
- (3) That this House acknowledges:
- (a) the great community work of the Police Citizens Youth Clubs NSW; and
  - (b) all those who give their time in assisting young people to find active employment.
- (4) That this House congratulates the following Fit for Work graduates for 2020:
- (a) Nixon T, year 11 at Leumeah High, plays NRL for Campbelltown Collegians Wolves, would ultimately like to play for Melbourne Storm professionally, and current PCYC and West Tigers volunteer;
  - (b) Corey L, lives in Camden, plays soccer for Camden Tigers, year 10 at Leumeah High, would like to continue a career path in the sporting industry, ultimately playing for first grade NPL 1 or 2 soccer leagues;
  - (c) Jordyn I, year 10 at Leumeah High, plays NRL for East Campbelltown Eagles, would like to follow a career path in marine biology area;
  - (d) Carlos K, year 10 at Leumeah High, loves to play basketball and practises Ju Jitsu, would like to follow a career within the construction industry;
  - (e) Ryan M, year 10 at Leumeah High, plays soccer for Gunners Soccer Club Macquarie Fields, would like to follow a career path in the construction industry;
  - (f) Biron D, year 10 at Leumeah High, plays rugby league for Campbelltown Warriors, has a particular interest in the PT industry;
  - (g) Raukawa S, currently works at Ahdars Fish and Chip Shop and McDonalds Eaglevale, would like to pursue a career within the demolition industry;
  - (h) Bronson T, has seven brothers and one sister; is the second youngest in the family, enjoys playing most sports, really enjoys volleyball, would like to become a member of the NSW Police Force;
  - (i) Kohen Smith, year 10 at Leumeah High, plays football with Campbelltown Warriors, next year will be moving over to Eaglevale St Andrews [ESA] team, would like to be successful within the NRL industry;
  - (j) Steven K, year 12 at Mt Annan High School, enjoys sports, especially boxing, assists with facilitation of Fit for Life program at Mt Annan, would like to join the Australian Army as soon as he turns 17 years of age;
  - (k) Lauren H, in year 10 at Mt Annan High, enjoys kickboxing and soccer, currently employed at Subway Mt Annan, would like to follow a career path within the sport and recreation industry; and
  - (l) Georgia R, year 10 at Mt Annan High, works part time at Noodle Paradise, enjoys playing soccer, would like to pursue a career within the sport and fitness industry.

**Motion agreed to.**

*Documents*

**NEWCASTLE EDUCATION PRECINCT**

**Tabling of Report of Independent Legal Arbitrator**

**The Hon. PETER PRIMROSE (10:04):** I move:

- (1) That the report of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 3 February 2021, on the disputed claim of privilege on documents relating to an order for papers regarding the Newcastle Education Precinct, and submissions received by the arbitrator, be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

*Motions*

**MOUNT PANORAMA CULTURAL HERITAGE**

**Ms ABIGAIL BOYD (10:05):** On behalf of Mr David Shoebridge: I move:

- (1) That this House notes that:

- (a) Mount Panorama in Bathurst is known as Wahluu and is a place of enormous importance to the Wiradjuri people as a significant site in the cultural songlines of the region that are at the core of Aboriginal cultural practice; and
  - (b) a go-kart track has been proposed for the top of Wahluu which would significantly damage the cultural heritage of the mountain, as well as destroying access and amenity of the much loved McPhillamy Park which was gifted to the community as public open space.
- (2) That this House recognises that:
- (a) to attempt to defend this important place the Wiradjuri traditional owners submitted a section 10 claim to the Federal Minister for the Environment, Sussan Ley, MP;
  - (b) no determination has been made on the section 10 but Bathurst Council has indicated it will begin works on 8 March 2021;
  - (c) council has acted as its own approval authority for the proposal, have not engaged in appropriate public consultation and has to date failed to secure grant funding for the construction of the track; and
  - (d) council have to date failed to find alternative sites in the area.
- (3) That this House affirms:
- (a) its support for the protection of the important Aboriginal heritage of this site and the need to respect the bequest of parkland here;
  - (b) its acknowledgement of the ongoing importance of Aboriginal cultural heritage; and
  - (c) the desirability of finding an acceptable alternative site for the go-kart development at Mount Panorama.

**Motion agreed to.**

*Documents*

**DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

**Tabling of Report of Independent Legal Arbitrator**

**The Hon. MARK LATHAM (10:06):** I move:

- (1) That the report of the Independent Legal Arbitrator, Mr Keith Mason, AC, QC, dated 16 February 2021, on the disputed claim of privilege on documents relating to a further order for papers regarding interests and representations of Mr Daryl Maguire, be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

**SYDNEY INTERNATIONAL EQUESTRIAN CENTRE**

**Production of Documents: Order**

**The Hon. MARK LATHAM (10:07):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2015 in the possession, custody or control of the Office of Sport relating to the Sydney International Equestrian Centre upgrade:

- (a) correspondence from the Independent Commission Against Corruption to the Office of Sport in December 2020 raising a number of matters arising from the referral of Contract No. OoS17/18-21;
- (b) the terms of reference for the internal review by the Office of Sport of Contract No. OoS17/18-21;
- (c) Office of Sport Internal Review of Contract No. OoS17/18-21;
- (d) the terms of reference for the independent probity review commissioned by the Office of Sport and conducted by O'Connor Marsden of Contract No. OoS17/18-21;
- (e) the report from O'Connor Marsden of Contract No. OoS17/18-21 to the Office of Sport;
- (f) the terms of reference for the assessment and review of the condition of the arena surfaces in the indoor arena and adjacent outdoor arena at the Sydney International Equestrian Centre conducted on 29 and 30 July 2020 and 10 August 2020;
- (g) all reports of the assessment and review conducted on 29 and 30 July 2020 and 10 August 2020 of arena surfaces, and including:
  - (i) the names and qualifications of all authors;
  - (ii) the references in support of the authors qualifications in equestrian arena technology and their expertise;
- (h) the costs of the assessment and review conducted on 29 and 30 July 2020 and 10 August 2020 of arena surfaces, including assessment reports;
- (i) all lease documents, arrangements, agreements and memorandum of understanding relating to Equestrian NSW offices and use of Sydney International Equestrian Centre land;

- (j) all documents relating to future planning for the Sydney International Equestrian Centre site, including records between Sydney International Equestrian Centre Management, the Office of Sport and Equestrian NSW;
- (k) all memorandum of understanding between Sydney International Equestrian Centre Management, on behalf of the Office of Sport, and Equestrian NSW; and
- (l) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

**Motion agreed to.**

*Motions*

**SURF LIFE SAVING NSW**

**The Hon. BEN FRANKLIN (10:07):** I move:

- (1) That this House acknowledges the annual Combined Branch Titles held by the Far North Coast Branch of Surf Life Saving NSW on Saturday 30 January and Sunday 31 January 2021.
- (2) That this House congratulates the following recipients on their awards:
  - (a) Phoebe Link, Byron Bay SLSC – Newcastle Permanent Junior Lifesaver of the Year Female Award; and
  - (b) Ethan Bayly, Lennox Head-Alstonville SLSC – Newcastle Permanent Junior Lifesaver of the Year Male Award.
- (3) That this House notes that:
  - (a) both winners will go on to represent the Far North Coast Branch in the Surf Lifesaving NSW Development Program to determine the State winners; and
  - (b) the Surf Life Saving NSW Junior Lifesaver of the Year Development Camp is taking place from 12 to 14 April 2021.
- (4) That this House wishes Phoebe Link and Ethan Bayly the best of luck for the development program and camp this year.

**Motion agreed to.**

**KYOGLÉ GIANT PUMPKIN AND WATERMELON FESTIVAL**

**The Hon. BEN FRANKLIN (10:09):** I move:

- (1) That this House notes that:
  - (a) a pumpkin in Kyogle has set the record for the heaviest pumpkin in the Southern Hemisphere;
  - (b) the pumpkin was grown by Mr Dale Oliver in Knockrow, north of Ballina;
  - (c) the pumpkin weighed 867 kilograms;
  - (d) the record was set at the 2021 Giant Pumpkin and Watermelon Festival in Kyogle; and
  - (e) Mr Oliver set the record previously in 2015 for the heaviest pumpkin in Australia and New Zealand which weighed 743 kilograms.
- (2) That this House congratulates:
  - (a) Mr Oliver on his record-breaking pumpkin; and
  - (b) the organisers of the 2021 Giant Pumpkin and Watermelon Festival in Kyogle for a wonderful community day out.

**Motion agreed to.**

**TRIBUTE TO LEONIE JACKSON**

**Ms CATE FAEHRMANN (10:09):** I move:

- (1) That this House notes the tragic death of Ms Leonie Jackson on 17 January 2021, who drowned while diving into a rip at Congo Beach near Moruya to save her nine-year-old son one day after celebrating her fiftieth birthday.
- (2) That this House notes that:
  - (a) Ms Jackson's death has deeply shocked and saddened the deaf community, for which she was an inspirational leader and advocate;
  - (b) as one of the pioneers of deaf education and bilingual teaching in Australia, Ms Jackson helped establish Australia's first bilingual program for deaf children aged two to five at the Royal Institute for Deaf & Blind Children [RIDBC];
  - (c) Ms Jackson also went abroad as part of her Churchill Fellowship to research and introduce to Australia technological advancements for access for deaf students, which led to the introduction of captioning in schools and universities called "Ai-Live";
  - (d) Ms Jackson was recently appointed in 2019 as Chair for the 2022 Australian Deaf Games (a national sporting event for deaf and hard hearing athletes) to be held in Newcastle and Lake Macquarie; and

- (e) Ms Jackson became the first deaf CEO in the history of the Deaf Society in 2015 and then filled the role of executive manager, Advocacy and Strategic Partnerships for the newly merged Deaf Services and the Deaf Society.
- (3) That this House extends its sincere condolences to Leonie's family, her two sons Tobian and Byron and co-parents Alex Jones and Paul Harrison, who are heartbroken at her loss, and to the New South Wales deaf community for losing such a well-loved and tireless advocate.

**Motion agreed to.**

*Documents*

**UNPROCLAIMED LEGISLATION**

**The Hon. DAMIEN TUDEHOPE:** According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 16 February 2021.

**DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

**Report of Independent Legal Arbitrator**

**The CLERK:** According to the resolution of the House this day, I table the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 20 January 2021, on the disputed claim of privilege relating to ministerial disclosures of private benefits for Mr Daryl Maguire—further order.

**DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

**Report of Independent Legal Arbitrator**

**The CLERK:** According to the resolution of the House this day, I table the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 14 January 2021, on the disputed claim of privilege relating to interests and representations of Mr Daryl Maguire.

**BUDGET FINANCES**

**Report of Independent Legal Arbitrator**

**The CLERK:** According to the resolution of the House this day, I table the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 16 February 2021, on the disputed claim of privilege relating to the 2020-2021 budget finances.

**STATE BUDGET**

**Report of Independent Legal Arbitrator**

**The CLERK:** According to the resolution of the House this day, I table two reports of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 21 January 2021 and 16 February 2021, on the disputed claim of privilege relating to the 2020-2021 budget.

**NEWCASTLE EDUCATION PRECINCT**

**Report of Independent Legal Arbitrator**

**The CLERK:** According to the resolution of the House this day, I table the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 3 February 2021, on the disputed claim of privilege relating to the Newcastle Education Precinct.

**MR DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

**Report of Independent Legal Arbitrator**

**The CLERK:** According to the resolution of the House this day, I table the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, dated 16 February 2021, on the disputed claim of privilege relating to the interests and representations of Mr Daryl Maguire—further order. [*During the giving of notices of motions*]

*Notices*

**PRESENTATION**

**Mr David Shoebridge:** Point of order: My point of order relates to the part of the motion that seems to be casting imputations against a staff member on the basis of their sibling's work arrangements. My contention is that it is an unseemly and inappropriate action. Making such allegations against staff members of Ministers based upon some assertion connected through their siblings brings the House into disrepute. I ask that you review the notice of motion and consider ruling on it.

**The Hon. Mark Latham:** To the point of order—

**The PRESIDENT:** I do not need to hear from the Hon. Mark Latham. There is no point of order.

*Bills*

**ROAD TRANSPORT LEGISLATION AMENDMENT (DRINK AND DRUG DRIVING OFFENCE)  
BILL 2021**

**First Reading**

**Bill received, and read a first time and ordered to be printed on motion by the Hon. Damien Tudehope, on behalf of the Hon. Don Harwin.**

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

*Business of the House*

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

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

The standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the order of private members' business this day.

**Motion agreed to.**

**ORDER OF BUSINESS**

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

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

- (1) Private members' business item No. 944 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to the Cannabis Legalisation Bill.
- (2) Private members' business item No. 516 outside the order of precedence standing in the name of Mr Mark Pearson relating to the Racehorse Legislation Amendment (Welfare and Registration Bill).
- (3) Private members' business item No. 860 outside the order of precedence standing in the name of the Hon. Robert Borsak relating to the Government Sector Finance Amendment (Government Grants) Bill.
- (4) Private members' business item No. 1025 outside the order of precedence standing in the name of Reverend the Hon. Fred Nile relating to the Public Health Amendment (Vaccination Compensation) Bill.
- (5) Private members' business item No. 974 outside the order of precedence standing in the name of the Hon. Adam Searle relating to the Appropriation (Parliament) Bill 2020.
- (6) Private members' business item No. 762 outside the order of precedence standing in the name of the Hon. Taylor Martin relating to Surf Life Saving New South Wales 2020 Awards of Excellence.
- (7) Private members' business item No. 997 outside the order of precedence standing in the name of Ms Abigail Boyd relating to an order for papers regarding the ReINVEST trial.
- (8) Private members' business item No. 1011 outside the order of precedence standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the Gregory Hills primary school project.
- (9) Private members' business item No. 927 outside the order of precedence standing in the name of the Hon. Adam Searle relating to an order for papers regarding the biorefinery project in Muswellbrook Shire.
- (10) Private members' business item No. 1032 outside the order of precedence standing in the name of Mr Justin Field relating to an Independent Commission Against Corruption investigation into water management.
- (11) Private members' business item No. 1008 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers regarding the Bushfire Local Economic Recovery Fund.
- (12) Private members' business item No. 1003 outside the order of precedence standing in the name of the Hon. Anthony D'Adam relating to an order for papers regarding isolation hotels.
- (13) Private members' business item No. 989 outside the order of precedence standing in the name of the Hon. Daniel Mookhey relating to a further order for papers regarding Stage 2 of the Parramatta Light Rail Project.

- (14) Private members' business item No. 1027 outside the order of precedence standing in the name of the Hon. Ben Franklin relating to the Northern Rivers Community Australia Day Awards 2021.
- (15) Private members' business item No. 1017 outside the order of precedence standing in the name of the Hon. Mark Latham relating to an order for papers regarding Western Sydney Airport rail links.
- (16) Private members' business item No. 987 outside the order of precedence standing in the name of the Hon. Emma Hurst relating to the Prevention of Cruelty to Animals Amendment (Aquatic Animal Recognition) Bill.
- (17) Private members' business item No. 992 outside the order of precedence standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding planning for Rhodes.
- (18) Private members' business item No. 991 outside the order of precedence standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the performance of current department secretaries.
- (19) Private members' business item No. 1030 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to poker machine loses.
- (20) Private members' business item No. 988 outside the order of precedence standing in the name of the Hon. Natalie Ward relating to 100 years of Rotary.
- (21) Private members' business item No. 990 outside the order of precedence standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the Greater Parramatta and the Olympic Peninsula area.
- (22) Private members' business item No. 1021 outside the order of precedence standing in the name of the Hon. John Graham relating to an order for papers regarding the sale of TAFE NSW Scone campus.
- (23) Private members' business item No. 1024 outside the order of precedence standing in the name of the Hon. John Graham relating to the State Archives and Records Authority Stronger Communities report.
- (24) Private members' business item No. 998 outside the order of precedence standing in the name of Ms Abigail Boyd relating to school banking.
- (25) Private members' business item No. 887 outside the order of precedence standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding the Narrandera to Tocumwal Rail Line Reopening Feasibility Study.
- (26) Private members' business item No. 1004 outside the order of precedence standing in the name of the Hon. Natasha Maclaren-Jones relating to the COVID-19 Vaccine and Treatment Strategy.
- (27) Private members' business item No. 1022 outside the order of precedence standing in the name of the Hon. John Graham relating to an order for papers regarding 2019-20 bushfire season grants.
- (28) Private members' business item No. 973 outside the order of precedence standing in the name of the Hon. Adam Searle relating to the censure of the Leader of the Government for non-commencement of the Modern Slavery Act 2018.
- (29) Private members' business item No. 1019 outside the order of precedence standing in the name of the Hon. Mark Latham relating to an order for papers regarding Sydney CBD-based government sector workers.
- (30) Private members' business item No. 996 outside the order of precedence standing in the name of the Hon. Abigail Boyd relating to a sex work local government conference motion.
- (31) Private members' business item No. 352 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill.
- (32) Private members' business item No. 1007 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers regarding bushfire recovery grants for small business and primary producers.
- (33) Private members' business item No. 1031 outside the order of precedence standing in the name of Mr Justin Field relating to a further order for papers regarding floodplain harvesting.

All items are to be debated in short form, except items at paragraph Nos 1 to 4, 6, 10, 14 and 16.

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

**Motion agreed to.**

### *Bills*

## **CANNABIS LEGALISATION BILL 2021**

### **First Reading**

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

### **Second Reading Speech**

**Ms CATE FAEHRMANN (10:48):** I move:

That this bill be now read a second time. It gives me great pleasure to introduce The Greens Cannabis Legalisation Bill 2020. For too long New South Wales has been waging a phoney war that has wasted billions upon billions of dollars, ruined thousands of lives, clogged our courts and fuelled police corruption along with an oversized police force and a thriving criminal market. I am talking about the war on drugs and, more specifically, the war on a single plant: cannabis. The Cannabis Legalisation Bill I am introducing

today creates a framework to legalise the possession, consumption, cultivation, sale and purchase of cannabis for people over the age of 18, while preventing and minimising potential harms through the creation of a State authority.

If passed, the social, public, health and economic outcomes of this bill will be huge. In 2016, 192 million adults used cannabis globally, with Australia having one of the highest per capita rates of cannabis use in the world. Regardless of the fact that cannabis is an illegal drug, more than one in three Australians over the age of 14 will use cannabis in their lifetime and 11.6 per cent will have used it in the past year. Almost 2½ million Australians will have consumed cannabis in some way since last February. This number has remained steady over many decades, despite billions of dollars poured into the police force and the criminal justice system to try to catch people using, buying and selling cannabis.

In 2018, 48.8 per cent of arrests for the previous 12 months were for cannabis, yet cannabis accounted only for 28.3 per cent of the weight of illicit drugs seized nationally. In other words, cannabis arrests are disproportionately higher than the quantity of cannabis in circulation compared to other drugs, meaning these arrests are also disproportionate when it comes to any harm caused by cannabis compared to other drugs, both legal and illegal. I will get to that. That same year there were 72,381 national cannabis arrests. This was an increase of 30 per cent in the last decade. We are seeing an increase in national cannabis arrests compared to the previous decade. The national wastewater drug monitoring program, which monitors 55 wastewater treatment plants for the presence of both legal and illegal drugs, found that cannabis consumption increased to record levels in our cities just last year. Despite this, governments continue to waste billions of dollars of taxpayers money persecuting tens of thousands of people because of cannabis instead of supporting them to ensure they use their drug of choice safely and to get help if and when they need it.

Prior to 2001 cannabis was decriminalised in three Australian States: South Australia in 1987, the Australian Capital Territory in 1992 and the Northern Territory in 1996. The evaluation conducted on these reforms has shown no increase in cannabis use rates. Here in New South Wales cannabis use has been prohibited since 1935 and remains illegal under section 10 of the Drug Misuse and Trafficking Act 1985. In April 2000 the New South Wales Cannabis Cautioning Scheme commenced and gave the police discretion to formally caution rather than charge adults detected for minor cannabis offences. The scheme was amended in September 2001 with the introduction of a mandatory education session for people cautioned on a second occasion. In January last year the ACT permitted small quantities of cannabis cultivation and possession for individuals. However, the sale and purchase of cannabis is still prohibited.

If successful, this bill would bring New South Wales into line with the global trend towards decriminalising and legalising cannabis, because of the social and economic benefits this brings, while reducing harm and taking the supply of the drug out of the hands of organised crime. In the United States a host of States have legalised cannabis, including New Jersey, South Dakota, Montana, Arizona, Colorado, Washington State, Alaska, the District of Columbia, Oregon, California, Massachusetts, Maine, Nevada, Vermont, Michigan and Illinois. The State of New York proposes to legalise and tax cannabis, which is expected to generate \$300 million in tax revenue. In 2018 the US Department of Health conducted a multi-agency study which found that the positive impacts of legalising cannabis far outweighed the negatives. It also found that decades of cannabis prohibition have failed to achieve public health and safety goals and have led to unjust arrests and convictions, particularly in communities of colour.

And at the federal level in the United States the Democrats are now making moves to legalise cannabis. In a joint statement, Democrat senators recently said, "The War on Drugs has been a war on people—particularly people of colour. Ending the federal marijuana prohibition is necessary to right the wrongs of this failed war and end decades of harm inflicted on communities of colour across the country." The country that started the war on drugs is now leading the fight to end it. Uruguay and Canada established legally regulated cannabis markets in 2013 and 2018 respectively.

In the Netherlands recreational cannabis consumption has been permitted since 1976. In Spain cannabis social clubs have been commonplace since the 1990s, while private use was decriminalised in 2015. In 2018 the Mexico Supreme Court declared marijuana prohibition unconstitutional and set a deadline of 15 December last year for the introduction of a cannabis bill. In November Mexico's Senate approved the decriminalisation of marijuana, allowing individuals to grow four plants at home and to possess up to 28 grams, or one ounce, of cannabis. It also gave permission for the government to proceed with cannabis licensing and sales, while creating a legal regulatory framework. A vote on this is planned for April this year.

In November last year Israel announced that it was moving forward with a plan to legalise recreational cannabis nationally by the end of this year. This list of countries that have moved or are moving to legalise cannabis, some of which would be viewed as more conservative than Australia on so many issues, shows us just how quickly things are moving. Inevitably we will be left behind if we are genuine in our stated goal of reducing the harm from drugs. In 1998 the United Nations General Assembly Special Session [UNGASS] met to discuss



the international drug war in a special session called "A Drug Free World ... We Can Do It". It was headed up by Kofi Annan, later to be UN Secretary General. It set goals to reduce and hopefully eradicate cocaine, opium and cannabis by 2008. Needless to say, it did not meet those goals. So if the war on drugs has been such an abject failure, how did we get here?

The modern prohibition of cannabis and the failed war on drugs began in the United States and has its roots in racism, oppression and greed. In the nineteenth century there were few restrictions on the cultivation, possession or sale of cannabis in the United States. However, it was not until the early twentieth century when Mexican refugees fleeing political unrest arrived in the United States and brought popularity to the recreational use of cannabis that it was rebranded as "marijuana" to highlight the "Mexicanness" of the drug and associate it with anti-immigrant sentiment. Tales were spread of Mexican migrants selling this "demon weed" to American schoolchildren and State laws were slowly introduced to prohibit cannabis, ironically starting with California in 1913. However, it was not until the 1930s that hysteria around cannabis began to really heat up with the arrival of Harry Anslinger, who was made the founding commissioner of the Federal Bureau of Narcotics in 1930.

In his excellent book *Chasing the Scream: The first and Last Days of the War on Drugs*, Johann Hari states that Anslinger had little to say about the dangers of cannabis up until the end of alcohol prohibition when he manufactured a new drug war with marijuana to justify the continued existence and growth of his agency. Johann Hari writes that Anslinger also believed the two most feared groups in the United States—Mexican immigrants and African Americans—were taking the drug much more than white people. Anslinger spoke of "colored students at the University of Minnesota partying with female students (white) and getting their sympathy with stories of racial persecution. Result: pregnancy."

Anslinger wrote to 30 scientific experts asking a series of questions about marijuana; 29 of them wrote back saying it would be wrong to ban it and that it was being widely misrepresented in the press. Anslinger decided to ignore them and quoted instead the one expert who believed it was a great evil that had to be eradicated. When the American Medical Association issued a report debunking some of his more overheated claims he announced that any of his agents caught with a copy would be immediately fired. So the war on drugs had begun in earnest. By 1931, 29 States had outlawed marijuana. In 1936 the infamous propaganda film *Reefer Madness* was released and in 1937 the US Congress passed the Marijuana Tax Act, which effectively criminalised the plant. The 1950s and 1960s saw the emergence of a new counterculture with the use of marijuana and psychedelics at its core.

The war on drugs was officially declared by US President Nixon in 1971. Drug use had become "public enemy number one". One year after the war on drugs had been declared, Nixon appointed the Shafer Commission to study drug abuse in America. It found that the war on drugs was unwarranted, with cannabis posing no widespread danger to society and recommended treating it as a health issue rather than a criminal one. However, just like Harry Anslinger four decades earlier, Nixon ignored the advice of experts, establishing the Drug Enforcement Agency and escalating efforts to crack down on drug users. Years later, Nixon's domestic policy chief had this to say:

The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people ... We knew we couldn't make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.

Now to Australia. Unfortunately cannabis follows a similar sorry path, except in the very early stages of its introduction to this country. Eighteenth-century English botanist Joseph Banks envisaged Australia as a source of hemp for the British Empire's navy and so ensured that seeds of cannabis sativa were sent with the First Fleet. As a result, many of the early Governors of New South Wales oversaw substantial hemp crops which were used to produce sails, uniforms and rope. Cannabis remained one of Australia's largest crops and, unlike the US, the consumption of recreational cannabis in the nineteenth century was believed to be widespread. However, Australia signed the 1925 Geneva Convention on Opium and Other Drugs regardless. In 1928, Victoria became the first State to legislate against the recreational use of cannabis followed by New South Wales in 1935. In 1938 the *Smith's Weekly* published a story entitled *New Drug That Maddens Victims*, which reported:

A Mexican drug that drives men and women to the wildest sexual excesses has made its first appearance in Australia. It distorts moral values and leads to degrading sexual extravagances. It is called marihuana.

The article introduced the word marijuana to Australia to distance stories of the drug from the familiar cannabis and hemp with which Australians had already had a long history and regularly used as a medicine. The 1970s saw Australian conservatives embracing the US-initiated war on drugs with large-scale crackdowns on cannabis operations. As in the US, that resulted in an explosion of heroin use and the increased dominance of the cannabis black market by criminal gangs.

So where are we today? For starters, the tide is turning when it comes to public attitudes. In the 2019 National Drug Strategy Household Survey, the number of respondents supporting cannabis legalisation was 41 per cent, with 37 per cent opposed. That is double the results from the 2007 survey in which only 21 per cent supported legalisation. Last year, an inquiry by the Queensland Productivity Commission into Imprisonment and Recidivism made 42 recommendations, including the decriminalisation and eventual legalisation of cannabis and MDMA. I went to university in Queensland in the early nineties, attended large street marches in support of legalising cannabis and, yes, smoked weed with friends on the weekend while living in share houses that were raided multiple times by the police who had nothing better to do, so I watch any potential reform in Queensland with interest—as I do here. Last year the Special Commission of Inquiry into the Drug "Ice" in this State, commissioned by the Premier, stated:

A public health approach that creates an inclusive environment to support treatment would be a better model than the current criminal law approach.

The fundamental reason that cannabis should be legalised is that prohibition of cannabis creates far more harm than good, and it just does not work. It has not reduced cannabis use. It has not reduced harm. It has not reduced the amount of cannabis available on the black market. But it has made a lot of criminals very rich. It places a massive drain on the criminal justice system. It results in disproportionately high rates of criminal convictions and harassment of our First Nations people. It facilitates the large-scale distribution and use of unsafe and unreliable illegally produced cannabis. With more than 2.3 million Australians using cannabis in the last year alone, that is a big market selling product that the Government has no ability at this point to control.

I turn briefly now to explain the properties of the plant. Tetrahydrocannabinol is the compound mainly responsible for the psychoactive effects of cannabis. Cannabidiol is the second most prevalent of the active ingredients of cannabis. Both CBD and THC work with receptors that release neurotransmitters in your brain. We have two types of cannabinoid receptors in our bodies. THC binds with receptors, mostly in the brain, that control pain, mood and other feelings. It can give the feeling of euphoria and is what gives that so-called high. CBD is different and does not give a high. Instead, it is thought to work with other elements in the body linked to feelings of wellbeing. In fact, in December last year the Therapeutic Goods Association approved low-dose CBD-containing products to be supplied by a pharmacist over the counter—that is, without a prescription.

Meanwhile, millions of Australians are still buying cannabis from the black market with potentially harmful consequences because the type of super-potent high-THC cannabis, which is more likely to cause mental health issues, is increasingly common on the black market. An analysis of cannabis seizures in New South Wales in 2013 identified trends of increasing THC potency levels and unbalanced, low quantities of CBD, which are factors for potential adverse mental health effects. The illegality of cannabis has also given rise to synthetic cannabis products, which can potentially cause seizures, strokes or death. Needless to say, black market sellers are not concerned with issuing health warnings for pregnant women, checking the ID of underage buyers or providing information about safe use.

The Greens Cannabis Legalisation Bill would ensure that products are labelled with potency information and health warnings just like alcohol and tobacco, which in fact are far more harmful for both the individual and the burden those drugs place on society. In fact, the 2019 Australian drug harms ranking study found that cannabis caused less overall harm than alcohol, cigarettes and crystal meth. It also found that sensible non-prohibition approaches to cannabis would reduce negative cannabis-related health and economic impacts. For most people, cannabis elicits pleasant euphoria, relaxation, heightened sensory perception, laughter, altered perceptions of time and an increased appetite.

A 2019 peer-reviewed global study, which the National Drug and Alcohol Research Centre at UNSW contributed to, assessed the health risks of non-medicinal cannabis use. For occasional users, it found a very small increased risk of depression, schizophrenia, psychosis, dependence syndrome, motor vehicle injuries and low birth weight, and a large increased risk of bronchitis. But that is exactly why we need to legalise it, so that people predisposed to experiencing adverse effects from using cannabis receive the right information and perhaps avoid using the drug altogether or are able to access treatment if they need it.

I now turn to other research that is showing how moving away from a criminal approach to drug use is reducing harm across society. A 2018 study of crime rates in Washington found a 15 per cent to 30 per cent drop in rape and property crimes following legalisation and a reduction in consumption of alcohol and other drugs. A report from the Drug Policy Alliance in the US found that the savings from reduced arrests are estimated to be in the hundreds of millions of dollars. Again, in the US cannabis legalisation has resulted in lower rates of opioid-related overdoses, death and harm because people are moving away from harder drugs when cannabis is legalised.

Imagine if we adopted, like an increasing number of other jurisdictions around the world, a harm-reduction approach and established a legal cannabis industry in New South Wales. In 2018 the Australian Greens asked the Federal Parliamentary Budget Office to cost the legalisation of cannabis. It found that taxing and regulating cannabis could provide up to \$2 billion to the Australian economy annually. In Canada the legal cannabis market contributed \$8.26 billion to that country's GDP in 2019. In the US it brought in between \$55 billion and \$67 billion in 2020, with predictions of up to \$130 billion by 2024. That is to the economy, not to organised crime.

With so many jobs lost and businesses closed in New South Wales due to COVID-19 and our regions still recovering from the bushfires, I urge members to ignore the usual hysterical lies and misinformation from the Murdoch press and seriously consider the benefits that taxing and regulating cannabis would bring to our State right now. A legal cannabis industry would create thousands of jobs in retail and distribution, research and development, and education and training, including in the regions. There would be no more wasting of billions of taxpayer dollars pursuing a futile crusade against a plant that is far less harmful than many legal drugs. It is estimated that the cost of cannabis prohibition costs Australia \$2.4 billion a year. Yet 89 per cent of cannabis arrests are for use and possession, with roughly just 5.5 per cent of cannabis arrests for traffickers and growers.

Cannabis convictions create serious stigmatisation and have long-lasting effects on people's lives. Minor offences can limit a person's ability to travel, cause financial hardship, restrict employment opportunities and affect dependents, families and communities. The cannabis cautioning scheme has seen convictions for use and possession remain relatively stable across the State. However, the scheme remains discretionary and it is becoming clear that police are not applying the scheme consistently. Rates of arrests have actually increased in lower socio-economic local government areas [LGAs], rising by 44.4 per cent in Fairfield, by 36 per cent in Liverpool and by 30.5 per cent in Cumberland.

The percentage of people who are given cautions in the Hunter region is lower than in the inner city. In North Sydney 75 per cent of those caught are given a caution. In Newcastle it is 34 per cent. In Singleton it is 11 per cent. Make no mistake about it, cannabis arrests are used to harass people based on race and disadvantage. Between 2013 and 2017, 82.5 per cent of Aboriginal people found with a non-indictable quantity of cannabis were pursued through the courts compared to only 52.29 per cent of non-Aboriginal people. Also, Aboriginal women received triple the rate of prison sentences for drug possession compared to non-Aboriginal women. I have already discussed how criminalisation targets First Nations people in Australia. Expungement of their criminal record is a critical component in addressing the harms and disadvantages suffered by them at the hands of our criminal justice system. The bill addresses this issue.

The bill decriminalises cultivating, supplying, manufacturing and possessing cannabis. It establishes a New South Wales cannabis authority with the purpose of regulating the cannabis industry in New South Wales, grants licences for the production and distribution of cannabis products, and decides and enforces safe ways for cultivating, processing and distributing cannabis. The authority will act as a wholesaler between cannabis producers, which are only able to sell cannabis and cannabis products to the authority, and cannabis distributors, which are only able to purchase cannabis and cannabis products from the authority. The authority will create an inventory tracking system for cannabis and cannabis products. It will also be tasked with restricting the over-commercialisation and monopolisation of the cannabis market to protect consumers from profit-led distribution strategies while promoting public health and social outcomes over economic interests.

The bill outlines three types of cannabis licences and their conditions. The first is a licence for cannabis production. Subject to the terms of their licence, cannabis production licence holders will be able to cultivate and process cannabis; purchase from or sell cannabis, cannabis products and seeds or growing stock to the authority; conduct research activities; and perform prescribed destruction of cannabis products. The second licence is for cannabis distribution. A cannabis distribution licence allows for the retail sale of cannabis, cannabis products, seeds and growing stock purchased from the authority. The licence can also allow for the consumption on the premises, similar to cafes in Amsterdam. The third category of licence is a cannabis social club licence. This enables a group of a minimum of five and a maximum of 45 individuals to set up a not-for-profit group that engages in the cultivation, processing and supply of cannabis to its members.

To encourage those in the black market to transition, the bill creates a 12-month grace period where it is a defence against growing cannabis without a licence if they can demonstrate that they have taken reasonable steps to apply for one. Importantly, the authority must make recommendations within 12 months on the extinguishment of cannabis-related offences. General licence conditions across all three types include restrictions of activities to licensed premises, provision and completion of any required training, and many other risk management items. Part 3 of the bill covers packaging and labelling requirements for cannabis products to ensure safe storage and consumption, as well as administration of licences, grounds for refusal, suspension and cancellation.

The bill allows for the personal cultivation of cannabis plants at a maximum of six cannabis plants for a two-person household or 12 for a household greater than two persons. The plants must be out of public sight and

not in an area with unrestricted access. There are heavy penalties for any cannabis advertisement, promotion, loyalty or gift program, or sponsorship agreement. This is intended to limit the influence of cannabis businesses over consumer behaviour and prioritise public health outcomes. It will also be an offence to supply, purchase or gift cannabis to a minor, with significant penalties for individuals and employers, modelled on existing alcohol and tobacco control legislation. That is what the bill does.

If the bill passes, there will still be hurdles because the supply, possession and personal use of cannabis is still illegal under the Federal Narcotic Drugs Act 1967. When the Australian Capital Territory [ACT] voted to decriminalise cannabis, Federal Liberal member Peter Dutton described the law as unconscionable and urged the Federal Attorney-General to override it with Commonwealth legislation. However, the Commonwealth Director of Public Prosecutions wrote to the ACT government suggesting that the Commonwealth law provided a defence for people engaged in conduct "justified or excused" by a State or Territory law. The threat of Commonwealth intervention never came to pass. Meanwhile, the ACT police say they have not seen any evidence of a spike in drug consumption as a result of the changes.

This bill has been developed in consultation with expert stakeholders. I thank the Alcohol and Drug Foundation, the National Drug and Alcohol Research Centre, the Australia Drug Law Reform Foundation, the NSW Drug Policy Modelling Program and individuals who have provided their invaluable expertise and advice. I take this opportunity to acknowledge the presence of Dr Alex Wodak in the President's gallery. Dr Wodak is the former director of the alcohol and drug service at St Vincent's Hospital and a former president of Harm Reduction International. He has been a leading advocate in this area. I thank him for his support over the years on this issue.

I urge members to consider the many reasons for ending the nonsensical prohibition of cannabis in New South Wales. Firstly, we must start with the fact that cannabis use, despite it being classified as an illegal drug, is commonplace in Australia. In fact, many politicians have made that dreaded confession: that they once had a teeny-weeny try of the stuff and never went back. Prohibition is not working. It has never worked. It will never work. By treating cannabis like other legal drugs such as alcohol, tobacco and prescription drugs, we will massively reduce any potential harm caused by the use of the drug.

The prohibition of cannabis allows for the targeting of disadvantaged and vulnerable communities, particularly our First Nations people. This is 100 per cent backed by the statistics. A regulated market would mean many transactions currently occurring in the black market would become legitimate, significantly reducing interactions between thousands of Australians and organised crime figures. The revenue brought into this State would be a huge boost to our public health system at a time when it has never needed it more, and it would fund an alcohol and other drugs treatment centre in every regional town that needs one. Twenty-one years after the United Nations drug summit in 1998, where the futile goal of eradicating illegal drugs was set, another summit was held to discuss the issue in New York. In its lead-up, Kofi Annan, who headed the first summit, wrote an opinion piece in which he said:

... we need to accept that a drug-free world is an illusion. We must focus instead on ensuring that drugs cause the least possible harm.

I urge members to consider the bill before them in this spirit and to focus on ensuring that drugs cause the least possible harm. I commend The Greens Cannabis Legalisation Bill to the House.

**Debate adjourned.**

## **RACEHORSE LEGISLATION AMENDMENT (WELFARE AND REGISTRATION) BILL 2021**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. MARK PEARSON (11:20:2):** I move:

That this bill be now read a second time.

I introduce my private member's bill, the Racehorse Legislation Amendment (Welfare and Registration) Bill 2020. If passed, the bill will significantly improve the welfare of horses that are used and abused in the horse racing industry. I put on the public record that the current chief executive of Racing NSW, Peter V'landys, did not respond to my request to meet with him while I was consulting with various groups about the drafting of this bill. The bill is necessary because the toll on the health and wellbeing of racehorses is intolerable and worsening each year as the pressure mounts to push horses to race ever faster to win the mighty dollar for their owners. The racing industry tries to avoid accountability for the damage done to these majestic and sensitive animals, but thanks to campaigning by animal advocacy groups such as the Coalition for the Protection of Racehorses Inc., they are now

exposed to the bright light of public scrutiny. As Australian Racing Hall of Fame thoroughbred trainer Lee Freedman has said:

If we don't make real changes the court of public opinion will bury racing.

We have seen the slow but sure loss of racing's social licence, reflected in the declining numbers attending races. In the most recent figures, from 2019, the Melbourne Cup recorded its fourth consecutive year of declines in attendance and wagering turnover. Industry revenue is declining at an annualised rate of 2.3 per cent over the five years through 2018-19 to \$1.5 billion. The total attendance at the Victorian Spring Racing Carnival's Victoria Derby, Melbourne Cup, Oaks and Stakes fell by 9 per cent in 2019. COVID-19 put a stop to public attendances, but we can only assume the trajectory continues downward given the ongoing deaths of horses on the tracks and the highly public scandals involving the cruel treatment of ex-racehorses at knackeries and Melbourne Cup winning trainer Darren Weir being charged with engaging in the torture and abuse of racehorses by the illegal use of the electronic device known as a jigger.

Back in 2008 the industry scoffed when the newly formed Coalition for the Protection of Racehorses first raised concerns about unacceptable racing injuries, the cruelty of the whip, the over-breeding of foals and the numbers of retired racehorses being sent to the slaughterhouse. Fast-forward 12 years and the industry knows it has a real problem with public perceptions on its hands. It is clear from the ongoing scandals, however, that it requires legislators to mandate that cruelty to horses is unambiguously criminal in nature and that the only way to ensure "whole of life" racehorse welfare is by government intervention, including sanctions for breaches of statutory requirements. I now move to outline the major welfare initiatives of the bill. The objects of the bill are as follows:

- (a) to prohibit the carrying or use of a whip, or the wearing of spurs, by persons who ride or drive a horse at certain horse races,
- (b) to prohibit the riding or driving of a horse that is fitted with a tongue tie during certain horse races,
- (c) to establish a registration scheme for horses that are owned, bred or kept by horse racing industry participants under the Thoroughbred Racing Act 1996,
- (d) to prohibit the racing of a horse unless the horse is registered under the Thoroughbred Racing Act 1996 and is at least 3 years old,
- (e) to prohibit the slaughtering of horses registered under the Thoroughbred Racing Act 1996,
- (f) to establish a rehoming scheme for horses that are registered under the Thoroughbred Racing Act 1996 that are not used or intended to be used for horse racing.

Spurs are sharp pieces of steel points attached to a jockey's boots. The jockey kicks backwards, forcing the spurs into the horse's exposed flank. The International Federation of Horseracing Authorities, of which Australia is both a member and a signatory to their rules, has banned the use of spurs under article 32, rule 4. This prompts the question: Why do we continue to use spurs in Australian racing? A jockey's legs are a lot stronger than the jockey's arm. A whip is used one-handed, whereas spurs are on both feet and can cause significant lacerations to both sides of the horse's flanks. Within the industry there are those who are concerned that as more restrictions are placed on the use of the whip, there will be greater uptake of spurs. It is therefore necessary to prohibit the use of spurs in tandem with a ban on horse whipping. In 2014 former Racing NSW chief steward Ray Murrhiy—a steward with 46 years' experience—was part of a national campaign to prohibit the use of spurs. Murrhiy was quoted as saying that spurs "were probably outdated in today's society" and that Australia and Singapore were the only mainstream racing jurisdictions left in the world that allowed them.

RSPCA Australia is opposed to the use of spurs because they "inflict pain and distress" and argues that they should be progressively withdrawn "to meet community expectations and commit to improving horse welfare in Australia". Unfortunately, that campaign failed and concern over spurs has faded, with the focus now very much on the use of the whip. I argue that the suffering caused by spurs is under the public's radar because it is difficult to see the spurs in action, and so public pressure to restrict their use is absent. My bill unequivocally bans the wearing of spurs by jockeys in horseracing. The use of the whip during racing was once widely practised around the world, but increasing public awareness about animal sentience and changed attitudes towards animal welfare have put the industry on notice that this practice is indeed cruel and that the continued use of the whip creates a reputational risk for the future of racing.

In 2021 can there be any ethical justification for using a whip to make a horse run faster? Consider the fact that if a horse was seen on the road being whipped, the person whipping the horse would be roundly condemned and would risk being charged with animal cruelty. We regularly hear how horses are "born to race" or that they naturally race or, as the British Horseracing Authority states, "No horse can be made to race against its will." Perhaps that is so, but what about forcing horses to race faster and longer than they wish? Is that not the purpose of whips and spurs? Anyone watching thoroughbreds in a paddock will indeed see them running for short bursts, but not with the length and intensity of a commercial race. Welfare arguments concerning the use of the whip

have a long history, but the racing industry has done nothing more than pay lip service to public concern by regulating rather than banning the use of the whip.

In a public survey commissioned by RSPCA Victoria, 69 per cent of those polled did not want horses to be whipped during racing and 71 per cent of those surveyed who attend horseracing events and place bets would continue to do so if whips were banned. In 1982 Norway was the first country to outlaw the use of the whip other than for safety purposes in controlling an unruly horse, and a complete ban was introduced by Norway's racing authority in 2009. Former Norway racing CEO Hans Petter Eriksen recently stated, "During my time as CEO of the Norwegian Jockey Club and the Øvrevoll Racecourse in Norway from 2006 to 2016, I became convinced that use of the whip in horseracing was unnecessary for the safety of jockeys and that it was counterproductive for the welfare and the performance of the horses."

He also confirmed that the complete ban did not adversely affect race attendance or wagering figures. A substantial and growing body of evidence shows that the whip is indeed cruel. It causes suffering and is ultimately ineffectual in determining the outcome of a race. Just this month two studies into the use of the whip were released. Renowned veterinary expert Professor Paul McGreevy from the University of Sydney School of Veterinary Science was one of the research team that sought to determine whether whip use is a useful tool for "encouragement" given that the racing industry defends whip use as "giving everyone a fair chance of winning".

The study entitled *Is Whip Use Important to Thoroughbred Racing Integrity? What Stewards' Reports Reveal about Fairness to Punters, Jockeys and Horses* examined stewards' reports from both whipping and whipping-free races in Great Britain. Information was drawn from an analysis over a three-year period with 1,178 horses running in 126 races. In conclusion they found no statistically significant differences for the two types of races between race finishing times, stewards' reports, movement or interference on course or incidents related to jockey behaviour.

The second paper entitled *A Comparative Neuro-Histological Assessment of Gluteal Skin Thickness and Cutaneous Nociceptor Distribution in Horses and Humans* was written with colleagues including Dr Lydia Tong, a leading veterinary pathologist. The study compared skin from 10 human cadavers and 20 deceased horses, looking at skin structure and nerve supply. The findings show that whilst horse skin is thicker in general than human skin, the part of the skin that is thicker does not insulate them from pain that is generated during a whip strike. The evidence was clear that humans and horses have the equivalent basic anatomic structures to detect pain in the skin. The study found:

This was not surprising, as horses, like humans, need robust yet sensitive skin to respond to touch, say, from flying insects or other horses.

Professor McGreevy stated:

From this, we can deduce that horses are likely to feel as much pain as humans would when being whipped. Repeated strikes of the whip in horses that are fatigued as they end a race are likely to be distressing and cause suffering. A horse's loss of agency as it undergoes this kind of repeated treatment is thought to lead to learned helplessness.

To force a horse into a state of learned helplessness is a very sad situation and is the foundation of horseracing. The Australian racing industry continues to prevaricate and procrastinate. In September 2020 Racing Victoria announced that it would lobby Racing Australia to begin phasing out the whip, commencing on 1 January 2021. It supports the development of a new framework to transition the industry to an ultimate prohibition on use of the whip for purposes other than to protect the safety of horses and jockeys. Racing NSW refused to support the Victorian initiative. At its November 2020 board meeting, Racing Australia failed to adopt the proposal. Given that Racing Australia stipulates that any change of rules requires a national consensus, the outcome is hardly surprising. The board has said it is still investigating the welfare implications of whip use but the pace of reform is glacial and uncertain. Horses deserve protection now. In fact, they should be given the benefit of the doubt on principle.

I would argue that this failure to act by the racing authorities, combined with the scientific evidence of the harm caused to horses and the research which conclusively established that whipping had zero impact on race outcomes, puts owners, trainers and jockeys at risk of prosecution for animal cruelty under the Prevention of Cruelty to Animals Act 1979 [POCTAA]. POCTAA is not excluded from application to horseracing in New South Wales. But in practice the main enforcement agency, the RSPCA, has been content to rely on industry self-regulation. The current Australian Rules of Racing, adopted by Racing NSW, permit the use of the whip a maximum of five times in non-consecutive strides prior to the 100-metre mark and at the rider's discretion in the final 100 metres of a race where its use in consecutive strides is permitted. These self-regulatory efforts have been made to curb the whipping of horses in the context of horseracing—specific rules established by and under the Thoroughbred Racing Act 1996. Now that we have definitive evidence that whipping causes pain, section 4 (2) (d) of POCTAA must surely be invoked. Section 4 (2) states:

... an act of cruelty committed upon an animal includes a reference to any act or omission as a consequence of which the animal is unreasonably, unnecessarily or unjustifiably:

...

(d) inflicted with pain.

Other subsections also include being beaten, abused or overused. Tong and McGreevy's report established that there is no discernible benefit derived from horse whipping during a race, which leaves us merely with accepted industry practice as the inadequate fig leaf to cover behaviour that can no longer be supported as reasonable, justifiable or necessary. However, to remove any ambiguity the bill amends the POCTAA by inserting proposed section 17A to prohibit both carrying and using a whip during a horserace. I have prohibited the carrying of a whip on the basis that a horse can become distressed just by seeing the whip and remembering the pain caused. There is no need for jockeys to use or carry whips for the purpose of control and safety, as identified in the newly released research findings and given that in Norway whips have not been used, under any circumstances and without any adverse effects, since 2009.

We now come to the pernicious practice of applying tongue ties to racehorses, which I am also seeking to prohibit by way of an amendment to the Prevention of Cruelty to Animals Act to insert proposed section 17B. A tongue tie is a strap that immobilises a horse's tongue. They are claimed to prevent abnormal airway obstruction caused by the horse pulling back its tongue and forcing his or her soft palate backwards. Endoscopic examination has shown that displacement of the soft palate during exercise can obstruct a horse's airway and limit oxygenation, reducing racing performance. Despite the widespread use of tongue ties, a study published by the European College of Veterinary Surgeons found that in 70 per cent of cases of horses with soft palate issues, tongue ties made no difference to airway obstructions. In reality the reason for using tongue ties can be found in a survey published in the Equine Veterinary Journal article *Factors Associated with Tongue Tie use in Australian Standardbred Racehorses*.

The majority of trainers use tongue ties primarily to control the horse during racing. In the same survey 23 per cent of Australian trainers reported usage resulting in lacerations, bruising and swelling of the tongue, difficulty swallowing and behaviour indicating stress. Salivary cortisol concentrations increased after tongue tie application, indicating a physiological stress response. Given that there is mounting evidence that tongue ties can cause stress and injury and given the limited benefits for airway obstructions, I have no hesitation in including that prohibition in my bill. It would bring horseracing in line with all other equestrian sports in Australia that do not allow tongue ties.

The bill also addresses the controversial issue of racing skeletally immature horses by setting a minimum age of three years before horses can legally be raced in New South Wales. Horses are not skeletally mature until they reach five years of age. In all racing history, until changes were introduced in the 1980s, horses were not raced until they were at least three years old. That was based on legitimate concerns that juvenile horses are at risk of serious injury during racing due to their underdeveloped physiology.

Multiple studies have concluded that there is compelling evidence that fractures occur more frequently in younger horses and the risk decreases with age. The most common injury is shin soreness or dorsal metacarpal disease, which is estimated to affect up to 80 per cent of two-year-olds in Australia. A frequently cited study, "Risk factors for musculoskeletal injuries in 2-year-old thoroughbred racehorses", found that 85 per cent of racing two-year-olds in Australia were reported as suffering at least one incident of injury or disease. The only benefit of racing two-year-olds is the additional profits that can be made. Owners get a return on their investment 12 months earlier than if the industry had retained the three-year-old racing threshold. Leading equine racing veterinarian Percy Sykes said:

There's a great incentive to race their horses too young and too immature. In the old days, you bought your yearlings, you broke them in, you castrated them—

hopefully with analgesia—

you turned them out. You didn't think about them until late two-year old and mostly three-year olds. The current owners want two-year old racing and I think it's a pity because it certainly does cause the breakdown of a lot of two-year olds.

My bill also prohibits the slaughtering of racehorses. For many years racehorses that were no longer capable of bringing in the race winnings were discarded and sent to a grisly fate: the slaughterhouse. All the talk of equine heroes and elite athletes rings hollow when we see former champions being shot for pet food. In 2017 there were more than 30 knackeries around Australia killing horses for pet meat. There were also two abattoirs licensed to export horse meat, and they were slaughtering, on average, 9,000 horses per annum. It is a busy and lucrative trade that has helped solve the problem of what to do with all those failed and retired racehorses that are not suitable for breeding. The numbers are so great that saleyards are overwhelmed and the dogger has their pick.

Due to a public backlash as a result of the images taken by animal activists, NSW Racing introduced a ban on sending racehorses to slaughter. But in 2019 an ABC investigation exposed the continued widespread slaughter of racehorses for pet food and human consumption at abattoirs and knackeries in both New South Wales and Queensland. The ABC investigated the Camden horse sales, a livestock auction, recording vast numbers of branded, registered racehorses passing through the yards. The Camden horse sales was not approved by Racing NSW to sell racehorses but this did not prevent ex-racehorses being sold to kill buyers and ending up at knackeries, including the Luddenham Pet Meats, which sells horse meat to the greyhound industry. Racing NSW cannot claim ignorance of these sales that are in breach of the rules.

In June 2018 former trainer Sandra Jorgensen contacted Racing NSW to advise them that a branded thoroughbred filly had been sold at Camden horse sales to a kill buyer. Another former trainer, Pam Webber, also contacted Racing NSW from the Luddenham sales to advise stewards that thoroughbred horses were being auctioned at that sale. It is my belief that industry self-regulation has failed and that racehorses will continue to be slaughtered unless the full force of the law is applied. Under clause 17D of my bill, a person must not cause or arrange for a horse that is registered under the Thoroughbred Racing Act 1996 to be slaughtered. It is a criminal offence with a maximum penalty of 50 penalty units and/or six months' imprisonment. This prohibition includes the killing of ex-racehorses down the back paddock unless a vet has certified that euthanasia was required due to injury or disease. This will work well with the new end-of-life welfare program introduced by Racing NSW, which will pay for the humane euthanasia of horses on welfare grounds.

In response to growing public concerns about the fate of horses no longer of use to the industry, Racing Australia introduced three years ago a traceability rule to track horses from birth to retirement. The industry has also been under pressure to reduce industry wastage from the over-breeding of foals. In 2007, 18,255 thoroughbred foals were born in Australia. In 2017 there were only 13,823 thoroughbred foals born, and so the increased accountability has clearly had an impact. A 2014 Australian study tracked foals born into the industry. Only 66 per cent entered training and 5 per cent were exported overseas to other countries. Approximately 25 per cent of the foals had been moved out of the industry—sold, rehomed or retired—with no follow-up; 3 per cent were used as breeding stock; and the situation of the remaining 6 per cent was unknown.

In addition to the foals born each year, there are racehorses retired each year. What happens to them? Some of them will be used for breeding; others will be bought for careers in equestrian sports. But that still leaves a lot unaccounted for. Again the question needs to be asked: Where are they? Where are these ghost animals? As recently as 30 October 2020 *The Sydney Morning Herald* published an article providing evidence that despite all the assurances to the contrary from Racing NSW, retired thoroughbreds were still being sent to knackeries or abattoirs. Some of those slaughtered were aging broodmares now infertile or too old to breed. They become a liability to the breeder. They are no longer of any use, yet if kept still need to be fed and cared for while taking up a spot that could be given to a fertile mare capable of providing the breeder with a return on their investment. This is why some broodmares end up being sold to knackeries and abattoirs such as Meramist, which featured in the ABC investigation.

In 2016 Racing NSW introduced a Horse Welfare Fund funded by a deduction of 1 per cent from prize money paid in New South Wales. The scheme provides resources for the care, retraining and eventual rehoming of New South Wales thoroughbred horses, including retraining for equestrian sports or rehoming as companion horses. It has a team of staff to manage the program and seeks to establish partnerships with riding schools, pony clubs, local agricultural societies and other equestrian organisations to promote the rehoming of thoroughbred horses. In the ABC defamation case brought by Racing NSW as a result of the investigation into horses sent to slaughter, New South Wales Chief Executive Officer Peter V'landys stated that Racing NSW had rehomed 10,000 horses. As ABC's counsel said, it is not right for Racing NSW, as the regulator, to say it has rehomed the horses, because most of the rehoming is done by industry participants. Thus Racing NSW gives no credit whatever to all those racing participants who are, in fact, responsible for finding the majority of homes for retired racehorses.

That is why this bill will establish a statutory scheme for mandatory lifetime traceability and rehoming, with penalties for breaches. Regulations will provide the details of the scheme, and equine organisations will be consulted on how these schemes will operate. The effect of the registration scheme is that racehorses must be registered by the age of six months, with provisions for adult horses and interstate transfers. Horses cannot be raced if they are not registered. All changes of ownership are tracked. Any change in ownership must be registered and any serious injury or death of a registered horse must be recorded.

The so-called sport of kings has been exposed as profiteering from the distressed and blood-soaked bodies of its victims—the innocent horses who are broken, beaten and tormented, all for the holy dollar. One would at least expect the Melbourne Cup to deliver the industry's ethical gold standard. Last year yet another horse fell and died in front of a worldwide audience. Anthony Van Dyck became the seventh horse to die across the past seven Melbourne Cups. A 4 per cent mortality rate in a three-week live export journey would trigger a major



investigation with a view to shut down the industry. Why is horse racing immune to such scrutiny? It cannot be—and it will not be. The time will come when the industry loses its social licence completely. Until that historic day, the bill protects the magnificent, majestic horses trapped within the industry from the worst of its practices. I commend the bill to the House.

**Debate adjourned.**

## **GOVERNMENT SECTOR FINANCE AMENDMENT (GOVERNMENT GRANTS) BILL 2021**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. ROBERT BORSAK (11:50):** I move:

That this bill be now read a second time.

Today I introduce the Government Sector Finance Amendment (Government Grants) Bill 2021. The intent of this bill is to curb the misuse of government grants by the Government—or any government. This misuse takes the form of using the public purse to force the affection of community groups and local government to the exclusion and suppression of competing political interests. At both the State and Commonwealth level the public is being asked to accept that its hard-earned tax dollars are available to be used to force those same taxpayers to be excluded from conversation and inclusion, other than the Government's local member, political candidate or proxy from the same party. These are known as the political pigeons that fly into town and perch on the local edifices, do their business and then fly off, leaving a mess behind. There are some here in the Chamber today. Unsurprisingly, this is driving perverse outcomes. Funds that should be available recurrently are increasingly being delivered through discretionary grants, which is driving increases in the expenses of applicants.

Organisations that have staff dependent on a grant application are made to wait months for announcements, which allows time for the Government's homing pigeon to travel to the community. Merit-based decision making is thrown out the door as political expediency allocates taxpayer funding. After all, the Premier not only condones this but excuses it in the most arrogant way. Worse, though, is when a hardworking non-government local member has rallied a coalition of groups for a grant application. At a certain point these groups are at times being made to sign non-disclosure agreements that are solely aimed at stopping the contribution and involvement of the local member. Our news services have been filled with accounts of a government that thinks taxpayer money is there to drive away political competition—but it is not. The bill will take away the incentive for the ethically weak and corrupt governments that behave in these ways. As outlined in schedule 1 [2] new section 10.6, this will be achieved by the local member being informed by the agency or the Minister of the following:

- (3) ...
  - (a) when the entity received the application,
  - (b) the time frame for deciding the application,
  - (c) a decision about whether to pay the grant to the applicant,
  - (d) if a decision is made to pay the grant to the applicant—
    - (i) the amount to be paid, and
    - (ii) when and where the decision will be announced.

That amendment includes the capacity to exclude the local member from the future provision of this information if that person discloses unreleased information without the consent of the grant decision-maker. It does not preclude government from announcing grants; however, it does provide for the inclusion of the elected representatives in that process. The Deputy Leader of the Shooters, Fishers and Farmers Party and member for Orange, Phil Donato, has been excluded from a number of grant announcements made by the Hon. Don Harwin, the Deputy Premier and their fellow ledge perchers.

Two such announcements that come to mind were the announcement for the extension of the Orange Regional Gallery and a recycled announcement of a disabled toilet block facility. Unfortunately for the pigeon pack, Mr Donato's community have engaged with him throughout the whole process and wanted him there to share these moments, and he has been able to attend those announcements. His community network is wide. The pigeons depositing their loads do not get into town unannounced. Providing for the inclusion of the elected representatives in that process considerably lessens the growing use of grants to exclude political competitors

from announcing public money for public purposes. This will lessen the politicisation of grants decisions and the growing replacement of recurrent funding with discretionary grants. I commend the bill to the House.

**Debate adjourned.**

## **PUBLIC HEALTH AMENDMENT (VACCINATION COMPENSATION) BILL 2021**

### **First Reading**

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

### **Second Reading Speech**

**Reverend the Hon. FRED NILE (11:56):** I move:

That this bill be now read a second time.

I introduce the Public Health Amendment (Vaccination Compensation) Bill 2021 to the House. The bill addresses an issue that has been at the forefront of the minds of many Australians in recent months. The ongoing coronavirus lockdowns have had an impact on our economy and society. I prefer to think that there will be light at the end of the tunnel, and I pray that we approach it soon. Many have put their mind to what the world will look like when this episode of our history is over. In terms of employment, I am sure we look forward to the time when things return to normal. This bill is directed at how any future vaccination regime will operate in the area of employment law and workers' rights. The bill does only one thing: It introduces a new section 137 into the Public Health Act 2012 entitled "Liability to workers required to be vaccinated".

Proposed subsection (1) establishes the liability on the part of a relevant body that makes it necessary for a worker to take a vaccination if that worker wishes to retain or gain employment. Proposed subsection (2) states that the relevant body is to pay compensation to the worker in the event that the vaccine that the worker has been forced to take results in "injury, loss or damage" to that worker. Proposed subsection (3) stipulates the continued liability of the relevant body. That liability continues for the life of the worker, even after the worker has left the employ of the relevant body. Proposed subsection (4) defines key terms.

I should point out to members that it is the intention of this legal reform to create liabilities on relevant bodies who retain people for services rendered, whether those people are employees, contractors, agents or any other paid representatives of the relevant body. For the liability to be triggered, all that is required is proof that the relevant body mandates, through policy or other action, that the worker will not be able to continue his or her employment or will not be considered for future employment if a vaccination is not taken by him or her. For compensation to be triggered, a causal relationship will naturally have to be proved on the part of the worker or, in the case of death, by the relevant authority representing the interests of that worker or his estate.

There are legitimate public concerns about the future of vaccines being tested on the population right now. Side effects from taking any vaccine range from mild pain and discomfort through to permanent damage suffered and even death. In 1999 the *British Medical Journal* published a report titled "Public should be told that vaccines may have long-term adverse effects".

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

### *Questions Without Notice*

## **VALUING THE TEACHING PROFESSION INDEPENDENT INQUIRY**

**The Hon. ADAM SEARLE (12:00):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given Dr Geoff Gallop's independent inquiry has found that New South Wales teachers are constrained by excessive red tape, increased workloads, constant policy changes and inadequate pay, what steps is the Government taking to address this crisis in education?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00):** I thank the Leader of the Opposition for his question. It is not unexpected, given that it is a story on the front page of *The Sydney Morning Herald* today. Geoff Gallop is also speaking today at the Sydney Morning Herald Schools Summit, where I was this morning.

**The Hon. Damien Tudehope:** You spoke very well.

**The Hon. SARAH MITCHELL:** Thank you very much. As the media commentary today made clear, Geoff Gallop made some preliminary comments in relation to the report. The report has not yet been released, so it is difficult to comment on its detail when it is not something that is out there and it is not something that I have read. I can say that I look forward to—

**The Hon. Penny Sharpe:** There are issues that you are unfamiliar with.

**The Hon. SARAH MITCHELL:** I have not finished my answer. What I can say is that I look forward to reading the report when it is released, and I can assure all members that I will give it the attention it deserves. However, I do not expect that the report will tell us anything we do not already know. The honourable member raised a range of issues in his question, which were also harnessed in *The Sydney Morning Herald* today, about things like teacher workload, workforce planning and reducing administrative burden. The Government is already working on a range of things to address those issues. To give an example of what the Government has been doing to address teacher shortages and teacher workload, many scholarships are in place to attract people into the teaching profession. The Government is also actively promoting teaching as a career through the Teach NSW website and its social media channels.

Indeed, the Fast Stream program for principals that I talked about yesterday is about how to attract and retain our best-quality teachers from right out of university and get them to harder-to-staff schools, including in regional areas. The Government is working on a rural and remote education human resources strategy, and a review on incentives is underway. The Government is also looking at how to get more casual teachers on board through the casual supplementation trial that I announced last year. When it comes to administrative burden and red tape, again a lot of work is being done. The Government's School Success Model reforms announced last year are setting targets for the Department of Education to reduce the red tape that principals and teachers have to deal with by at least 20 per cent. This is something that the Government was already actively working on prior to the release of Geoff Gallop's report.

I have talked a lot about digitisation and the Rural Access Gap to give teachers more access to technology, particularly in regional areas. Recently, I sat down with two teachers in Dubbo who were doing their planning. Normally they would have to come into school to do that. Their systems were not working and they did not talk to each other. With this new program, these teachers have their own devices. They both worked from home and they were both working mothers. They said it gave them time to do their work in the school holidays and also be with their families. These are the issues that the Government is addressing by rolling out things like the Rural Access Gap program, and there is plenty more underway. [*Time expired.*]

**The PRESIDENT:** I indicate to honourable members that we are having a problem with the timer. It is now being operated from the Clerk's desk. It is not certain that the clock will be able to be stopped when there are interjections. Clearly, the best way to resolve that is that there be no interjections by members.

#### SUPPLY NATION AGREEMENT

**The Hon. LOU AMATO (12:04):** My question is addressed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on what the New South Wales Government's agreement with Supply Nation means for Aboriginal businesses?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:04):** I thank the honourable member for his question. I am happy to report that the New South Wales Government has just signed a new agreement with Supply Nation, which is the largest directory of verified Aboriginal businesses in Australia.

**The Hon. Damien Tudehope:** Great initiative.

**The Hon. DON HARWIN:** Indeed. Supply Nation works with government and corporate procurement teams to shape the rapidly evolving Aboriginal business sector. The new agreement will create jobs and drive growth in the Aboriginal business sector by making it easier for government departments and Aboriginal businesses to work together. I particularly congratulate my colleague the Hon. Damien Tudehope, the Minister for Finance and Small Business, who has carriage of procurement policy, for his role in driving and securing this new agreement. He is as aware as anyone that the best way to help close the gap is to empower Aboriginal Australians, and he is passionate about creating economic opportunity for Aboriginal communities just as I am.

The Aboriginal Procurement Policy is a key mechanism for creating demand for Aboriginal participation in goods, services and construction contracts. It is also core to the New South Wales Government's strength-based approach to support Aboriginal economic prosperity and to move much faster towards closing the gap. The new agreement will help to ensure that Aboriginal businesses and organisations benefit from the Government's record investment in post-COVID-19 economic recovery. By providing government agencies with access to certified Aboriginal businesses, the agreement will assist agencies to meet their targets under the New South Wales Government's refreshed Aboriginal Procurement Policy. The Government spent at least \$92 million on goods, services and construction directly with Aboriginal businesses last year, which was a 44 per cent increase on the previous year.

Supply Nation has a robust five-step verification process to ensure that all businesses listed in its digital directory, the Indigenous Business Direct, are authentic Aboriginal-owned businesses. The revised Aboriginal Procurement Policy came into effect from 1 January 2021. The policy sets important goals for the Government, including a target to award 3 per cent of goods and services contracts to Aboriginal businesses. These goals and targets are designed to clearly set out the Government's expectations. They are the measures against which the Government holds itself accountable. Economic participation by Aboriginal Australians is a crucial aspect of closing the gap, and the Government is proud of what this agreement does to encourage it.

#### NORTHBOURNE PUBLIC SCHOOL

**The Hon. PENNY SHARPE (12:07):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that Northbourne Public School at Marsden Park was intended to be ready for the start of this school year, why are 800 primary school students learning in a facility described by the Department of Education as a pop-up school of demountable classrooms? When will the students be given the facilities they were promised?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08):** I thank the honourable member for her question on Northbourne Public School and the timing of that particular project.

**The Hon. Walt Secord:** A pop-up school—that's innovative!

**The Hon. SARAH MITCHELL:** I know you do not want to stop the clock, Mr President, so I am trying hard to compose myself.

**The PRESIDENT:** I appreciate it, Minister.

**The Hon. SARAH MITCHELL:** I can advise that the commitment for Northbourne Public School was for it to be open in early 2022. That is my recollection. The school will now be completed by the middle of this year. My recollection is that the Department of Education advised starting a pop-up school with students starting the new school year so that they could begin the 2021 school year together with their cohort. The most recent advice I have is that the permanent buildings are on track for completion by middle of 2021. I am happy to take the bulk of the question on notice and come back with more specific information for the member.

**The Hon. PENNY SHARPE (12:09):** I ask a supplementary question. I thank the Minister for her answer. I ask her to elucidate. When the permanent buildings are completed will there still be demountables on that site?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09):** As I said in my original answer, the intention behind having that pop-up school is so that students can start the school year there and then move into the permanent buildings that will be built.

#### NSW CURRICULUM REVIEW

**Mr DAVID SHOEBRIDGE (12:09):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Why has the Minister dumped the key recommendation of the NSW Curriculum Review to have untimed syllabuses that empower students to learn at their own pace rather than by arbitrary age markers? Is it because the Minister is unwilling to provide the resources to public schools to make it a reality?

**The PRESIDENT:** Order! The question is asked of the Minister. I am giving the Minister, and only the Minister, the call.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:10):** I thank Mr David Shoebridge for his answer—sorry, his question. I am sorry: It has been a long day already. I am already up to question three or four.

**The PRESIDENT:** Order! I will not stop the clock; I will call members to order. That is the simplest way. The Minister has the call.

**The Hon. SARAH MITCHELL:** It is disrespectful, Mr President. As Mr David Shoebridge would be well aware, it was a recommendation in the Masters review for untimed syllabuses. The Government's response was that we support it in principle but we asked the NSW Education Standards Authority [NESA] to undertake further work on that recommendation. The decision, following NESA advice, is that it is necessary for the syllabus to retain a year- and stage-based structure. We will still be delivering on the intent of Masters' recommendation, ensuring that learning is differentiated to support students where they are at, but New South Wales research shows that the best way to achieve this is not through untimed syllabuses.

We can achieve this outcome within year levels and a stage-based syllabus through reducing content and explicitly outlining the core learning expected for each stage, ensuring prioritised knowledge and skills are not just taught once, making learning progressions more useful to teachers by aligning curriculum, personalising learning programs and support materials to provide teaching strategies to help target students where they are at, appropriately sequencing learning with clear links across outcomes and stages; and supporting teachers to identify and support students' progress in that sequence.

I can also tell Mr David Shoebridge that we will also undertake a pilot program to investigate what untimed syllabuses would look like in practice at a small number of appropriate schools—for example, Lindfield Learning Village. I also advise Mr David Shoebridge that Professor Masters has been consulted on this decision and is comfortable with the Government's direction.

**Mr DAVID SHOEBRIDGE (12:12):** I ask a supplementary question. Has the Minister sat down with the Teachers Federation to outline how the Minister intends to, as she says, meet the intention of an untimed syllabus recommendation through the measures she has just stated to the House?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:12):** I meet with education stakeholders all the time to discuss a range of issues and that includes the Teachers Federation.

**The Hon. MARK LATHAM (12:12):** I ask a second supplementary question. In relation to the issue of untimed syllabuses, will the Minister elaborate on the consultations and awareness of the decision she has made and, in particular, the very harsh criticism in the education committee levied at untimed syllabuses by Mr David Shoebridge, who is perhaps the harshest critic on our committee wanting this not to proceed?

**The Hon. Mark Banasiak:** A Dorothy Dixier from the crossbench.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13):** It is a fun Wednesday! In my original answer I think I said that the Government, in response to the recommendation by Professor Masters, has said we support it in principle but we want NESA to do the work and research to determine whether it was applicable or appropriate for our schools in New South Wales. That has happened. Clearly, the response came back. Mr David Shoebridge might be interested in the report that was commissioned to look at the evidence base for the assumptions underpinning the untimed syllabus model. We asked them to investigate how the model is used in other jurisdictions and provide advice on its advantages and disadvantages compared to alternative ways of addressing the problems it aims to solve. The research found that although there is wide variation in student attainment levels in classrooms, and this variation can create challenges for teachers, there is insufficient evidence that the untimed syllabus model as proposed will have a positive impact.

### SCHOOL SUCCESS MODEL

**The Hon. MATTHEW MASON-COX (12:14):** My question also is addressed to the Minister for Education and Early Childhood Learning. It must be education week! Will the Minister update the House on how the Government is lifting accountability to improve student outcomes?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:14):** I thank the Hon. Matthew Mason-Cox for his question. Last year I announced the new School Success Model, which helps to ensure that improving student outcomes sits at the heart of the New South Wales education system. The school success reform overhauls the Local Schools, Local Decisions policy and will result in implementation of new targets for every New South Wales public school to ensure shared responsibility for students' success. Schools will be given individual benchmarks for HSC, student growth, phonics, attendance, NAPLAN, wellbeing, Aboriginal education and pathways. This will build on existing targets following our successful Bump It Up program and this year we will also be collecting data to establish individual targets that schools will be expected to meet from 2022. Those targets will be calculated based on performance relative to similar schools and will be agreed upon with principals.

For schools that are meeting their targets, nothing will change. But if schools are struggling to meet their targets the department will come alongside them to ensure that they are being provided with the support they need to succeed. This could include ensuring that their teaching practice aligns with evidence-based best practice or providing them with guidance on how to best spend their Resource Allocation Model [RAM] funding, which could include additional staffing. We know that one size does not fit all and this support will be as diverse as the schools receiving it and it will recognise the local needs and specific context of a school community. If schools exceed their targets, we will keep out of their way but we will look to see if their teaching practice can be scaled across similar schools.

Our schools are receiving record funding and many have used this funding to build truly incredible places in which to learn. The system can and should learn from those schools, whose teaching practices can be scaled across similar schools that are not meeting their targets. The department will be held accountable for the support given to schools to meet their targets but it will also have its own targets, including a target to reduce the administrative burden for principals and teachers. An overall target has been set to reduce the time principals spend on administrative tasks by 20 per cent by 2022, and those reforms also will extend this reduction target to teachers and school administrative staff.

The success of every student at every school in the State is the responsibility of all in the education system—from teachers and principals right through to the senior executives at the Department of Education. Evidence shows us what works best and this reform will give us back the mechanism that we need to implement best practice across the system. This is not about data for the sake of data or targets for the sake of targets. This is about improving outcomes for students across the State. Schools are receiving a \$1.3 billion boost in needs-based funding this year, but in order for this record funding to make a difference for students, it needs to be spent.

Parents expect the best from our schools and we make no apologies for having high expectations for our students. This reform is designed to enable us to scale best practice across the system to lift results and improve outcomes for students who need that most. I have had very positive feedback from many schools that I have visited since the introduction of this new policy and I look forward to seeing it roll out and the improvements that we will see for our students. [*Time expired.*]

### ROCK FISHING SAFETY

**The Hon. MARK BANASIAK (12:17):** My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. As the Minister in charge of fisheries, what rock fishing education measures has the Minister called for and implemented, particularly for anglers from non-English speaking backgrounds, who tragically make up a significant proportion of rock fishing deaths? Why has the New South Wales Department of Primary Industries not reinvested revenue from fines collected under the Act towards education programs and safety signage?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:18):** I thank the Hon. Mark Banasiak for his question about rock fishing safety, which was directed to the Hon. Adam Marshall, who resides in the other place and whom I represent in this place. Recently there has been a lot in the media about the dangers of rock fishing and the terrible injuries and deaths that have occurred over the years when fishers do not take proper precautions and fall off rocks. In the past there have been campaigns to educate people to take proper precautions when rock fishing because it is a high-risk activity. As to the details of the question—which related to education programs in different languages and reinvestment of funds—I will take that part of the question on notice and endeavour to get back to the Hon. Mark Banasiak with an answer as soon as is practicable.

### GLEDSDOOD HILLS PUBLIC SCHOOL

**The Hon. MARK BUTTIGIEG (12:19):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that Gledswood Hills Public School in south-west Sydney was opened only last year, why does it now have 12 demountables on site occupying valuable play space?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:19):** I thank the honourable member for his question about Gledswood Hills Public School. It is a school I know well; I have visited it a couple of times since it opened. They have a great school community there, a great principal, great staff and great students. I am very pleased that it is one of the schools that the Government has delivered. I am happy to talk about our record in school infrastructure and the amount of schools that we have built and delivered. We are now up to 100 schools, which is extraordinary, and, importantly, they are located right across the State, from areas in Sydney to areas in regional and rural New South Wales. Gledswood Hills Public School is a project that we have proudly delivered. We recognise that it is in a growing area of Sydney and it has had a lot of interest from local families, which is fantastic. Knowing that families want to send their children to the school shows that it has been a great investment in public education. I am able to advise—

[*Opposition members interjected.*]

**The PRESIDENT:** The Clerk will stop the clock. I will not let the interjections continue. I indicated that I would call honourable members to order if they interjected, but I will give them one last warning. There are far too many interjections. We have started a new year and perhaps honourable members have forgotten how difficult it is for Hansard in particular to keep record what a Minister is saying while several members interject over the top of each other. It is also makes it difficult for me to hear clearly what a Minister is saying. Honourable members will appreciate the difficulty I have if I need to rule on a first or second supplementary question. I will call the next member who interjects to order.

**The Hon. SARAH MITCHELL:** As I was saying, I am familiar with the school because I have visited it a couple of times. The first visit was for the opening last year, which was incredibly exciting. The second visit was with the local member, Peter Sidgreaves, when we announced that funding is in place to commence stage two of the project to expand the school's capacity to up to 1,000 students. The commitment to begin stage two of the project has been made in recognition of the fact that the school is in a growing area of Sydney and it is very popular with local families.

**The Hon. MARK BUTTIGIEG (12:22):** I ask a supplementary question. In her answer the Minister said that Gledswood Hills Public School was a great success—there are a lot of people moving to the area and it is a successful school. Will the Minister give us a firm time line for the stage two funding, which presumably will ameliorate the need for demountables? When will that happen?

**The Hon. Walt Secord:** Good question.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:23):** It will be a good answer too, Walt, because I am going to take the detailed time frame on notice. As I said, the project is designed to increase capacity at the school. The current capacity is 500 students and stage two will deliver capacity for up to 1,000 students. I will take that part of the question about the time line on notice and come back to the member. As I said, the local member and I were there to announce that the funding has been committed and that the work will begin.

**The Hon. COURTNEY HOUSSOS (12:23):** I ask a second supplementary question, which is in relation to the need for a stage two upgrade so quickly after the brand new school has been opened. Will the Minister commit to reviewing the planning policies for schools, given the huge number of demountables at brand-new schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:23):** I thank the honourable member for her question. This Government has achieved more when it comes to planning and school infrastructure than has happened in a generation. In 2017 we set up School Infrastructure NSW to make it possible to work closely with the Department of Planning, local government and other areas to ensure that schools are built where they are needed. Our track record of delivery speaks for itself. As I said, we have delivered more than 100 schools.

*[An Opposition member interjected.]*

**The PRESIDENT:** The Clerk will stop the clock. Is the Hon. Courtney Houssos seeking the call for a point of order because she feels the Minister is not being directly relevant to her question, or is she interjecting? Is there a point of order?

**The Hon. Courtney Houssos:** No.

**The PRESIDENT:** I call the Hon. Courtney Houssos to order for the first time. I thank her for her honesty. The Minister has the call.

**The Hon. SARAH MITCHELL:** As I said, the Government has put good systems in place. We are also doing something now that was not done before the introduction of School Infrastructure NSW, that is, looking at not only individual schools but also whole areas and regions as well as parts of Sydney so that we can identify where to relieve pressure by building new schools or expanding existing schools. We look at the factors across a region as opposed to at an individual school. I reject the premise of the question. Processes are in place around the setting up of School Infrastructure and we have a track record of delivery. Parents and families see the schools that we are committing to and building. As a government, we are incredibly proud of that.

#### NSW WOMEN OF THE YEAR AWARD FINALISTS

**The Hon. SHAYNE MALLARD (12:25):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on the finalists for the NSW Women of the Year Awards for 2021?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:25):** I thank the honourable member for his question. Thirty of the State's most inspirational and influential women have been named as finalists in the NSW Women of the Year Awards, following a year like no other. Now in its tenth year, the NSW Women of the Year Awards celebrate the achievements of women across the State from all walks of life. In 2021 we received the largest number of nominations since the awards started. That is pretty fantastic. There are seven award categories in the 2021 program, including the NSW Women of Excellence Award. This category highlights women who have excelled in their chosen field and in doing so have effected lasting change and, most of all, inspired others.

The other award categories are: NSW Aboriginal Woman of the Year, Community Hero of the Year, NSW Woman of the Year, NSW Regional Woman of the Year, and the One to Watch. These finalists are an inspiration to others; each one is leading the charge and showing others what it takes to make a difference. I take the opportunity to commend and thank each and every finalist. Women were among the hardest hit by bushfires, drought and COVID-19, yet so many stepped up and gave their all to help their communities. Donna Ciccio, a finalist for the Community Hero Award, founded Endometriosis Australia and has spent more than eight years striving to improve outcomes for more than 260,000 women in New South Wales living with endometriosis. I am so pleased to see that there are numerous nominees and finalists from regional and rural New South Wales—powerhouse women helping to build a safer and stronger regional New South Wales.

Nicole Scholes-Robertson, a finalist for the Regional Woman of the Year Award, founded the Rural Kidney Association to improve outcomes for patients with chronic kidney disease and their families in rural New South Wales. I am particularly excited about the One to Watch Award category, which was introduced in 2021. This award celebrates girls and young women aged seven to 17 who are emerging as future leaders through their acts of kindness, courage, strength and determination. The contributions of these girls and young women at such young ages has been very heartening to see. The winners will be announced on 10 March during NSW Women's Week at an award ceremony at the International Convention Centre. I look forward to all of my parliamentary colleagues joining me in celebrating the achievements of women and girls in New South Wales. There certainly is much to celebrate. I look forward to NSW Women's Week and to all members giving the fabulous women in their communities a huge shout-out to express how much we value them.

### ROCK FISHING SAFETY

**The Hon. ROBERT BORSAK (12:28):** My question without notice is directed to the Minister for Finance and Small Business, representing the Minister for Police and Emergency Services. As one of the Ministers responsible for administering the Rock Fishing Safety Act 2016—an Act implemented by the Government that allows for a council to opt in to the legislation and receive \$30,000 to fund enforcement and education—is the Minister aware that most councils have chosen not to opt in, resulting in a tragic increase in rock fishing deaths, particularly among non-English speaking anglers? Does the Minister believe that making councils choose between public safety and their profit and loss statements has been effective in addressing the issue of rock fishing safety?

**The Hon. Mick Veitch:** Come on, you're a cricketer. Bowl the arm over; see how you go.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:30):** Isn't wonderful that when the Hon. Mick Veitch comes back into the House the temperature goes up on that side, they are more keen. You should have been here yesterday, mate. It was just flat.

**The Hon. Robert Borsak:** Point of order—

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

**The Hon. ROBERT BORSAK:** I draw attention to the fact that the Minister is not being directly relevant in answering the question.

**The PRESIDENT:** I uphold the point of order. I cannot see how the comment from the Hon. Mick Veitch has anything to do with the question.

**The Hon. DAMIEN TUDEHOPE:** The issue raised by the member is clearly important and the obligation to ensure that people who are engaged in rock fishing and exposed to significant dangers to their personal safety know of those dangers is the role of public authorities, whether councils or government, and they should play their part. The member rightly identifies that I will not be able to answer the question off the top of my head—surprisingly. I will get the member a more fulsome answer in relation to the inquiry that he has raised. I will return to the Hon. Mick Veitch. I have answered the member's question, so he should remain calm.

**The PRESIDENT:** I do not need a point of order. Has the Minister finished his answer? If so, the Minister should resume his seat.

### SCREEN INDUSTRY

**The Hon. ROSE JACKSON (12:32):** My question without notice is directed to the Leader of the Government, Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that Stan streaming services international reality show *RuPaul's Drag Race Down Under* shifted production from Sydney to New Zealand in December, costing jobs in the creative arts sector, what is the Minister's response to community concerns that he and his department did not do enough to keep production of this show in Sydney?



**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:32):** Oh, my goodness gracious me. I cannot believe that someone would suggest that Screen NSW has done anything other than a magnificent job in the last 12 months to completely revolutionise the health of the screen industry in New South Wales. Since the Federal Government brought in its location offsets and since there was a very significant top-up to the Made in NSW fund of \$35 million, plus support for the post-digital and visual effects sector through the 10 per cent rebate and \$12.5 million put towards other screen projects that have come forward, there has been an avalanche of interest in filming in New South Wales, simply because this State has done such a good job with the whole community working together to fight this pandemic.

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

**The PRESIDENT:** The Clerk will stop the clock.

**The Hon. Damien Tudehope:** I have to say that the Minister is giving a fulsome answer to this question and the level of interjection is entirely inappropriate.

**The PRESIDENT:** I remind honourable members that if they consider the Minister is not being directly relevant, then the appropriate course is to seek the call from the Chair and note that they are taking a point of order. They should indicate what the point of order is and then I will rule accordingly on the point of order. If the Minister is not being directly relevant, I will stop the answer, as I did with the previous Minister when he included the Hon. Mick Veitch in his answer. What I will not accept is members interjecting over and over again. The Hon. Rose Jackson interjected four times. I call the Hon. Rose Jackson to order for the first time. I have not called the Hon. Walt Secord to order because he interjected only twice. The Minister has the call.

**The Hon. DON HARWIN:** The new funding for Made in NSW has already secured a major international project, the eight-episode Netflix series *Pieces of Her*, with New South Wales expenditure of \$58 million and over 400 local jobs. Several more international projects are in the pipeline.

**The Hon. Rose Jackson:** Point of order: The Minister is not being directly relevant to the question. I asked about community concern for the specific project *RuPaul's Drag Race Down Under*, which is not being filmed in Sydney. In fact, production has moved to New Zealand. The Minister has not mentioned New Zealand, *RuPaul's Drag Race Down Under* or community concerns once in the more than two-thirds of the time that he has been responding to the question.

**The PRESIDENT:** The question talks about costing jobs in the creative arts sector. The Minister is being directly relevant to that part of the question. The Minister has the call.

**The Hon. DON HARWIN:** I say directly to the Hon. Rose Jackson, Screen NSW has a stellar record and I can only suggest to the producers of *RuPaul's Drag Race Down Under*—who did not at any time approach Screen NSW or have any conversations with them—that it would have been a good idea if they had approached Screen NSW because we have done so much to help films go ahead over the last year. In fact, for most of the last year Australia is literally the only place that people have been able to film and, in particular, in New South Wales. So many requests are coming in right now for the development of new studio space in Sydney to keep up with demand to film here. [*Time expired.*]

#### FASTER PAYMENTS POLICY

**The Hon. SAM FARRAWAY (12:37):** My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government working to help small businesses through its faster payments pilot?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:37):** I thank the member for his question and I ask each member to listen to the answer because it is important. Everyone knows that I am passionate about making sure that small business is paid on time. I am sure I have mentioned it in the House previously. I used to think that the way that big business treated small business was like a bank—pay them after 60 days, 120 days or 180 days. Effectively, a lot of businesses went broke waiting to be paid by big business. It is something that government ought to address. This Government has led the way. Members may recall that last year I talked about the Government's policy concerning faster payments. In December 2019 we introduced a policy to pay within 30 days. In September 2020 we reduced that time to five days in which government agencies would pay correctly rendered invoices. There is absolutely no reason that payments should not be made within five days.

We are doing more than that, to the extent that we are saying to government supply chains, "How are you treating small businesses who contract with you?" This pilot is all about having the ability to say to agencies, "Tell us how you are in fact dealing with your supply chains." We are requiring those large businesses that contract with the New South Wales Government and are paying their small business contractors to pay their subcontractors

within 20 days. The pilot commenced on 25 January and will run for three months. The objective of the pilot is to better understand how to operationalise the policy, including overcoming implementation barriers and improving processes, and that is something that will help the economic recovery of the State. According to Kate Carnell, who is the Australian Small Business Ombudsman, we are leading the way. She said:

This initiative will benefit small business suppliers and will also flow through to the broader economy.

...

The NSW Government's faster payment program for small business suppliers should be considered the benchmark for governments at all levels.

In the same way that we say that government ought to be a model litigant, we say that it also ought to be a model debtor. This policy says that small business has the priority it deserves.

### DOMESTIC VIOLENCE

**Ms ABIGAIL BOYD (12:40):** My question without notice is directed to the Minister for Education and Early Childhood Learning, representing the Minister for the Prevention of Domestic Violence. Recommendation 34 in the NSW Domestic Violence Death Review Team 2017-19 report called for the Coroners Act 2009 to be amended to create greater parity in the non-government and government membership of the team. The New South Wales Government has stated that it supported the recommendation. When will the Minister be introducing legislative amendments to guarantee greater parity in the non-government and government membership of the team and to include greater representation for rural and regional areas?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:41):** I thank the honourable member for her question, which was asked of me representing the Attorney General. I am able to provide some advice to the honourable member on behalf of the Attorney General. As Ms Abigail Boyd would be well aware, at least one woman on average is murdered at the hands of a partner or former partner each week. The Domestic Violence Death Review Team [DVDRT] report outlines findings from the 53 domestic violence deaths that occurred between July 2014 and June 2016 and were examined by the team between 2017 and 2019. Between 2000 and 2019, 530 people were killed as a result of domestic violence. The rate of women murdered as a result of domestic violence in this State and in this country remains stubbornly and defiantly consistent.

At the outset, we acknowledge the impact of domestic violence on individuals, families and the communities who experience it or are affected by it. The New South Wales Government is firmly committed to improving outcomes for victims and holding perpetrators to account for their actions. As the honourable member is aware, the DVDRT was established in 2010 under the Coroners Act 2009 to review homicides occurring as a consequence of domestic violence in New South Wales. The work of the DVDRT is crucial in addressing the systemic issues underpinning homicide in domestic relationships. The DVDRT reports to Parliament biennially on the closed cases of domestic violence homicides, making recommendations designed to facilitate improvements in systems and services for victims of domestic violence in an effort to reduce the overall rates of domestic violence homicide in New South Wales.

To the honourable member's point about recommendation 34 in the 2017-19 report, I am pleased to inform the House that the DVDRT is already a multi-agency committee chaired by the State Coroner and with representatives from key government agencies, non-government organisations and academics. The diversity in membership of the team provides a variety of much-needed and welcome perspectives, including those of frontline services who have provided assistance and support to victims firsthand, academics who analyse the data and trends in domestic violence homicides over time, and a number of relevant government agencies who provide insights and valuable contributions in their area of expertise and response.

Together the committee members consider with due regard and empathy the suffering of the families and friends of the victims of domestic homicide to inform their approach and to make recommendations for change. The team recognises that reducing and preventing domestic violence and deaths related to domestic violence requires communication, cooperation and collaboration between various response agencies that traditionally work separately and sometimes at odds with each other. All recommendations made by the DVDRT, therefore, are carefully considered by government.

The Government is committed to reducing the incidence of domestic violence and, most especially, homicides occurring as a consequence of domestic violence. Our reform agenda is carefully considered and backed by evidence and thorough research. For example, the 2017-19 DVDRT report highlighted that the presence of coercive control was a precursor to 99 per cent of the domestic violence homicides it reviewed. As recommended by the report, the Department of Communities and Justice has been examining how existing New South Wales laws respond to non-physical forms of violence and patterns of violence.

**Ms ABIGAIL BOYD (12:44):** I ask a supplementary question. I thank the Minister for her response to my question. Will the Minister elucidate her point about particular recommendations and clarify whether the answer to my question is, "No, we will not be changing the membership of the team", or, "Not yet"?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:45):** I thank the honourable member for her supplementary question. As I said at the outset, this is the advice that I have been provided in relation to this matter, but I am happy to take the supplementary question on notice and seek further clarification for the honourable member from the Attorney General.

#### **MURRAY RIVER TOURISM INDUSTRY**

**The Hon. WALT SECORD (12:45):** My question without notice is directed to the Minister for Finance and Small Business in his own capacity and representing the Treasurer. Given that Murray River tourism has missed out on \$93 million in visitor expenditure this summer and lost 930 tourism jobs and the Government has only spent \$15 million out of the \$45 million allocated to the region, will the Government now commit to repurposing or restructuring the remaining funds to help struggling businesses in the region?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:45):** I thank the honourable member for his question. The greatest impact on regional small businesses during the Christmas period was the Victorian Government. The decision taken by the Victorian Government to close the border to New South Wales created a circumstance where people fled from southern New South Wales towns back to Victoria, decimating the economies of those towns. I have yet to hear the shadow Treasurer say one word of condemnation in relation to that decision.

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

**The PRESIDENT:** Order!

**The Hon. Walt Secord:** To assist the Minister, his Premier also closed the border.

**The PRESIDENT:** There is no point of order.

**The Hon. DAMIEN TUDEHOPE:** I like the assistance that the Hon. Walt Secord has given me: 197 cases—

**The Hon. Walt Secord:** How about providing some assistance?

**The PRESIDENT:** The Clerk will stop the clock. I allowed the Hon. Walt Secord to take his point of order. There was no point of order. He then started to interject. That is not the way it works.

**The Hon. DAMIEN TUDEHOPE:** When the New South Wales Government did in fact make a decision to close the border, we did that against a background of 197 cases per day in the outbreak in Victoria. When there was the Avalon outbreak when the Victorian Government made its decision to close its border to New South Wales, the maximum that cluster got to was 20 cases. I use my time as an opportunity to thank those businesses in Avalon that took the steps to make sure that the rest of New South Wales was protected and abided by a shutdown of the area in circumstances which showed how you do proper—

**The Hon. Walt Secord:** Point of order: My point of order is on relevance. My question was specifically about Murray River tourism. The Minister is talking about Avalon, which I appreciate but it was not part of the original question. I ask the President to bring the Minister back to my specific inquiry about the significant underspend and the 930 jobs lost in the Murray.

**The PRESIDENT:** The beginning of the question refers to Murray River tourism; I accept that. But the very last sentence states, "Will the Government now commit to repurposing the remaining funds to help struggling businesses?"

**The Hon. Walt Secord:** Mr President, I added "in the region" at the end of my question. It is written in hand there. I was very specific.

**The PRESIDENT:** I appreciate that. I accept what the honourable member says. The Minister will be directly relevant to the question.

**The Hon. DAMIEN TUDEHOPE:** This Government, as I am sure those opposite recognise, is committed to making sure that the economy of this State continues to thrive. In fact, every decision taken by this Government is designed to try to make sure that we do what is best for the businesses of this State. I will draw on one example of a business which, as a result of the shutdown by the Victorian Premier, immediately lost nine contracts and is in dire straits and facing a proposed liquidation. I was sent an email from that business to say that the greatest threat to New South Wales businesses are the governments of Victoria and Queensland.

**The Hon. WALT SECORD (12:50):** I ask a supplementary question. Will the Minister elucidate his answer? In his answer he gave advice and he said, "what is best for businesses". Would re-badging, restructuring and repurposing these grants be "best for the businesses" in the Murray River region?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:50):** I thank the member for his supplementary question. The best thing that this Government can do for businesses in New South Wales is to keep the economy open. In New South Wales this Government delivers opportunities for business. Programs like Dine & Discover and the steps that the Government has taken to support small businesses demonstrate that the Government is, in fact—what does the Victorian Premier call it?—the gold standard. New South Wales is the gold standard for keeping the economy open. And guess what business confidence in New South Wales is? It is 11 points higher than it was last month.

Mr President, if you ever wanted to see an economy that is thriving because of the actions of a government that does not panic when dealing with a pandemic and that manages a health crisis at the same time as making sure it manages the economy, then New South Wales is the place where you would want to have your family, open your business and be confident that the Government will not make decisions that are arbitrarily designed to send businesses broke. This Government recognises that businesses have done it tough during the pandemic. It is committed to making sure that those businesses are given every possible opportunity of surviving this pandemic and doing what it can to make sure that the stimulus packages that have been introduced are tailored to make sure that businesses survive.

**The Hon. MICK VEITCH (12:52):** I ask a second supplementary question. Will the Minister elucidate his answer with respect to the Dine & Discover vouchers he mentioned? When will they be rolled out across the State?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:52):** Is that a dixer? I had it as a dixer. The question that one of the members was going to ask me was: How will the Dine & Discover NSW program help to turbocharge local economies?

**The Hon. Mick Veitch:** When are you going to roll it out across the State?

**The Hon. DAMIEN TUDEHOPE:** The first vouchers as part of the Dine & Discover program will be rolled out at the end of this month. In fact, the Avalon cluster region and the rest of the northern beaches will form one of the pilot areas for the program. Broken Hill is also one; The Rocks in Sydney is another. The Government wants to make sure that this program is promptly implemented.

*[An Opposition member interjected.]*

**The PRESIDENT:** I cannot keep up with the Minister because of the continued interjections, so I do not know how Hansard will report the proceedings. The Hon. Mick Veitch asked a second supplementary question which at my discretion I permitted. He will allow the Minister to answer it.

**The Hon. Mick Veitch:** I was just providing guidance and assistance.

**The Hon. DAMIEN TUDEHOPE:** Guidance and assistance—thank you! Phase one of the program has already started. The Government wants to ensure that it gets this program right. Some 1,100 members of the communities in The Rocks and Broken Hill already have access to the vouchers. The second trial will be in the Bega Valley, the Sydney CBD and the northern beaches. I am sure that the Hon. Mick Veitch is looking forward to using his voucher and going to a restaurant, hopefully in a regional area to help support small businesses there. This Government identifies the best way to deliver a stimulus package and seeks to roll it out in a way that benefits people the most, and it does so in a seamless way. Rather than rush out the program, the Government has done it in an appropriate way.

#### MACQUARIE STREET EAST PRECINCT

**The Hon. LOU AMATO (12:55):** I address my question to the arts Minister. Will the Minister update the House on the Macquarie Street East Precinct?

**The Hon. Walt Secord:** He is going to come to life. Watch this.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:55):** And why wouldn't I? Earlier this month the Treasurer and I were delighted to join former Prime Minister Paul Keating and former Sydney lord mayor Lucy Turnbull to unveil their review into the Macquarie Street East Precinct. Macquarie Street is one of Sydney's most important streets and contains some of the city's most iconic civic, cultural and heritage buildings. The area represents an important intersection of First Nation, colonial and twentieth century New South Wales political, social and cultural history. Despite its high cultural value and potential, the Macquarie Street East Precinct is

lacking in a cohesive identity, vibrancy, amenities and activities, particularly in the evenings and on weekends. To address this missed potential, the Government is developing a long-term vision for the Macquarie Street East Precinct, starting with the Turnbull-Keating review.

The review recommends that the area be transformed into a dynamic cultural hub and highlights the need for a unifying vision. It provides suggestions for enhanced connectivity and permeability, improved activation of public spaces and adaptive reuse of underutilised buildings such as the Registrar General's Building. I have since been heartened to see arts and cultural organisations like the Sydney Youth Orchestras and Omega Ensemble calling on the Government to house an orchestras centre at the Registrar General's Building. Create NSW is currently investigating this option, which builds on many years of consultation with the classical music sector and a 2019 orchestras round table. The Department of Premier and Cabinet is progressing the vision for the precinct and in 2021 will develop a master plan and strategic business case.

Recently I joined the Federal Minister for the Environment, Sussan Ley, in the Royal Botanic Garden in Sydney, where we announced the national heritage listing of the Governors' Domain and Civic Precinct, which substantially overlaps with the Macquarie Street East Precinct. While many of the sites within the curtilage of that listing are already on the State Heritage Register, this additional listing provides an added layer of protection and a recognition of the precinct's extraordinary heritage value. I look forward to reporting back at a later date as to the Government's progress.

### MOLLYMOOK SCHOOL SITE

**Mr JUSTIN FIELD (12:59):** My question is directed to the Minister for Education and Early Childhood Learning. There is growing local confusion and some disquiet in the Milton-Ulladulla area over the future plans for the former Shoalhaven Anglican School and the unexpected advertisement of educational land for sale for residential development in Mollymook. This issue is being driven by concerns about overcrowding at local schools, which has been exacerbated by the recent COVID-related population boom in the region. Will the Minister listen to community calls, halt the auction at Garside Road and engage in community consultation about how future education needs in the Milton-Ulladulla region will be met?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:59):** I thank the honourable member for his question. I know that he has an interest in education and also that this part of the State is close to where he resides. I am aware of and appreciate the interest in the site at 98 Garside Road, Mollymook. I have discussed the matter with the local member, Shelley Hancock. As a very good local member—and that is exactly what she is—she has been to see me about it. I can advise the member—and I am sure he would be well aware—that the Department of Education monitors population and development trends so that it can meet enrolment needs in schools across New South Wales.

The department regularly consults with relevant departments and agencies, such as the Department of Planning, Industry and Environment, as well as local councils. In cases of sustained and stable enrolment increases, the department provides additional permanent facilities or new schools as necessary. The site at Mollymook has been deemed surplus to education requirements, based on existing local schools and population projections. In addition, as the member is aware and as he alluded to in his question, the department acquired the former Shoalhaven Anglican School site and it is anticipated that any future educational requirements would be accommodated on that site.

**Mr JUSTIN FIELD (13:01):** I ask a supplementary question. Will the Minister elucidate her answer with regard to the analysis of population trends and education needs in the region? When was the Garside Road site deemed surplus to requirements? Will the Minister publish the analysis that informed that decision?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:01):** I thank the member for his supplementary question, which I will take on notice. Obviously I need to seek advice from School Infrastructure NSW. As I said, I am very happy to take it on notice.

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

### NORTHBOURNE PUBLIC SCHOOL

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:01):** Earlier in question time the Deputy Leader of the Opposition asked me a question about Northbourne Public School. I said my recollection was that we would have the school ready by 2022. I can confirm for the member that, as I said in my original answer, we welcomed students for the start of the 2021 school year, which is a year earlier than originally planned. With the permanent classrooms on track for delivery in mid-2021, the department determined that the school should open for the new school year to provide the continuity for students, as

I mentioned in my earlier answer. Students are currently learning out of the pop-up school on the site and will transition to the brand-new facilities from the middle of this year. I can also confirm that the new school is being built to accommodate up to 1,000 students. Based on current enrolments, demountable classrooms will not be required.

*Supplementary Questions for Written Answers*

**SCHOOL INFRASTRUCTURE**

**The Hon. COURTNEY HOUSSOS (13:02):** My supplementary question for written answer is directed to the Deputy Leader of the Government and Minister for Education and Early Childhood Learning. Will the Minister please provide a list of new schools built in the past four years and the number of demountables currently at each school?

**MOLLYMOOK SCHOOL SITE**

**Mr JUSTIN FIELD (13:03):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister provide the House with information about community consultations that have taken place over the future use of the Shoalhaven Anglican School and the decision to sell the Garside Road site?

*Questions Without Notice: Take Note*

**TAKE NOTE OF ANSWERS TO QUESTIONS**

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

That the House take note of answers to questions.

**GLEDSDOOD HILLS PUBLIC SCHOOL**

**The Hon. MARK LATHAM (13:03):** I reflect on answers given by the Minister for Education and Early Childhood Learning. The Minister is doing many magnificent things in her portfolio: the emphasis on phonics and literacy; the emphasis on earned autonomy for schools replacing Local Schools, Local Decisions; the changes to the workforce; Teach For Australia; and the decision not to proceed with the untimed syllabus. There is a lot of progress, but I strongly urge the Minister to overhaul the department's failed demographic planning. In south-west Sydney we see three classic examples of that failure. How hard is it, when building the youth capital of Australia on that corridor along Camden Valley Way, to know that a lot of kids will want to go to the local government school? Oran Park Public School must have been open seven or eight years; it has 27 demountable classrooms. Going there, it is like looking at Manus Island. It is stunning to think that it is more a demountable school than a permanent school. How hard is it to get the planning right? I go there with a sense of amazement, thinking, "Those fools in the department must have thought they were building retirement homes here, with no kids."

It would not be all that hard to know that there will be a massive influx of kids. Working families use government schools. Get the planning right! Now we hear the news about Gledswood Hills Public School, which is a stone's throw from Oran Park and which has 12 demountables—again, a failure of planning. Then we have the problem of the Government two years ago—this was not an election promise; it was just an announcement straight after the election—saying it would build a new selective high school in south-west Sydney. There is a perfect location right next to the Leppington railway station. Aspirational families—very often, families from an ethnic or migrant background—want to get their kids into a selective high school in south-west Sydney. Everyone loves it; everyone wants to send their kids there if they pass the entry test. But two years later there has been no progress. Nothing has happened: not a site allocation, not a sod turned, not a financial allocation.

How hopeless is this Government's demographic planning and provision of school facilities in south-west Sydney, whether at Oran Park, Gledswood Hills or Leppington, where we should have a new selective high school? The Minister's other achievements are commendable and valid, but she needs to look at the people in the department who get this wrong time after time. It is not that hard. I very strongly urge it upon the Minister. In relation to the untimed syllabus, the Minister has made the right decision. The education committee in its hearings heard from Geoff Masters. We said, "What about the kids going at their own pace who get to year 10 and are doing year 6 work? How do they fit six years of the syllabus into the two years of their HSC?" It is just not possible. He had no answer to that, so the Minister has done the right thing— *[Time expired.]*

## GLEDSWOOD HILLS PUBLIC SCHOOL NORTHBOURNE PUBLIC SCHOOL

**The Hon. COURTNEY HOUSSOS (13:06):** Today in question time the Labor Opposition asked a series of questions about how new schools are being planned and built across western Sydney. The education Minister likes to come here and talk about the 100 new schools that are being built, but let us look at what is happening with those new schools. Today in question time Labor raised the example of Gledswood Hills Public School, which opened last year. This year, after one year in operation, the school has 12 new demountables. The Minister has announced, finally, that she will fast-track the second stage. But this is not an isolated case. As was mentioned, Oran Park Public School, just down the road, has 27 demountables after six years in operation. Over at The Ponds, Riverbank Public School has 42 demountables five years into its operation. These demountables take up valuable play space. The problem is not fluctuations over time; there are fundamental issues with the planning of new schools in suburbs across western Sydney.

Our students cannot learn if they have no space in which to run around at lunchtime. The issue of play space used to be faced by inner-city schools where space was understandably constrained. But this Liberal-Nationals Government is creating the problem across a new generation of schools in our suburbs, where families are moving for more space. Let us touch on the debacle of Northbourne Public School in Marsden Park. Students were promised that the school would open this year. Last year, when it was clear construction would not be finished, the Government floated the possibility of bussing students to existing schools. In the end, a development application [DA] was made to Blacktown City Council for a pop-up school: a temporary school of 500 students.

The department that the Minister defended today has done such poor planning that it had to go back to make a second DA for the pop-up school. It has made another DA for the pop-up school for 1,000 students, which we are now informed will be the total capacity of the new school. How long before the new Northbourne Public School will require demountables? Possibly that will occur in its first year of operation. This should not be based on scratchings on the back of a napkin. This should be based on a sophisticated and nuanced planning process for schools in our new suburbs. It is not, and families know it. The stubborn defence of the status quo by the Minister today shows just how out of touch this Government is with western Sydney.

### SCHOOL SUCCESS MODEL

#### MURRAY RIVER TOURISM INDUSTRY

**The Hon. MATTHEW MASON-COX (13:09):** This afternoon we have heard a number of members taking note of Ministers' answers, in particular those of the Minister for Education and Early Childhood Learning. I refer to the Minister's answer about the new program introduced last year to replace Local Schools, Local Decisions. The new School Success Model for our schools is a great innovation. A lot of the ideas have come from Portfolio Committee No. 3 - Education, chaired by the Hon. Mark Latham and of which I am very proud to be deputy chair. A number of members of the committee are in the Chamber. When we visited a lot of schools around the State to see the wonderful job being done by teachers and principals, some of the innovations were quite startling.

The real problem that we saw was the failure to upskill and to make sure that best practice is applied across the whole school system. Last year the Minister brought forward the School Success Model to replace the Local Schools, Local Decisions program, which has been chronically well funded but is not driving school results. As the Minister has identified, what is needed in the schools is for best practice to be applied to drive accountability and results across the school system. That is the most important thing we can do in New South Wales to ensure that young people have the best possible education and the best possible opportunity to realise their potential.

I refer also to the answer given by the Minister for Finance and Small Business relating to border businesses, which have been grossly affected by the decisions of the Victorian Government. We have Dictator Dan in Melbourne making arbitrary decisions about closing borders, which have a huge impact on businesses in New South Wales. Early in the new year I was in Merimbula, the day after the border was closed. Everybody disappeared out of Merimbula as quickly as they could. You could have fired a canon down the main street. Caravan parks lost 80 per cent of their business overnight; restaurants closed in their peak period. The Government is looking at repurposing funds to ensure that businesses that have been severely affected survive, because they are the lifeblood of local communities.

### MOLLYMOOK SCHOOL SITE

**Mr JUSTIN FIELD (13:12):** It seems we have a theme here today relating to planning within the Department of Education and the need for education facilities across our communities. My community in the

Milton-Ulladulla area was absolutely blindsided just before the end of last year to see a giant, red auction sign over a patch of bushland in the Mollymook community, which always was known to have been set aside for the future high school needs of our region. There is total confusion about planning by the Department of Education for the education needs in our region. The Government made a good decision and bought the former Shoalhaven Anglican School site. That school was not being used anymore and it was always the understanding of the community that the special school, the Budawang School, was to go on that site.

There is ample room for an expansion of high school facilities in the region. I was at the announcement made by the former Minister, Rob Stokes, and people from the high school were there. There was always an understanding that there would be consultation about how and when the expansion would happen. It just has not happened. Now it seems there is no intention for the expansion of the high school—but there is a giant, red auction sign to sell off the land that had been set aside for the high school. The community has been totally shut out of these discussions. It seems a reassessment has been made by the Department of Education and the Department of Planning, Industry and Environment about population trends and needs. I can tell honourable members that there are demountables across both primary schools at Ulladulla and Milton. It has been reported to me that 11 of the 22-odd demountables at Milton are located on the playground and kids are getting hurt because there is no room for them to play.

Our day care centres and our primary schools are full. There are pressures on the high school, yet the land is being sold off. The community wants to be part of the discussion. I call on the Minister to press pause on the auction, which is set to take place in three weeks' time, and have a discussion with the community. How is the site going to be used? If it is not going to be used for a high school, what are the Minister's plans to meet the high school's needs in the future? What will be the role of the site at Garside? The Government's smart real estate agent has advertised this pristine bit of bushland, some of the last that we have within our urban community—remembering that 80 per cent of the area has been burnt—and the Government is advertising it for residential development. One can imagine how that is going down in the community.

This matter could have been dealt with if the Minister had just had a conversation with the community. I appreciate the comments by the Minister about the good work of the local member. The local member is nowhere on this issue. She is making speeches in the other place that are adding to the confusion. She is trying to misrepresent what the community is saying and arguing that people are spreading rumours. There are no rumours; there is just a total lack of engagement by the Government about the education needs of the community in the Milton-Ulladulla area. Now is the Minister's chance to fix it. This is a community campaign that has legs.

### **JOBS AND NSW TREASURY EMPLOYMENT CALCULATOR**

**The Hon. PETER PRIMROSE (13:15):** I take note of the answer provided to my written question on notice No. 3848, which was directed to the Minister for Finance and Small Business, representing the Treasurer. I asked a detailed question about jobs and the Government's new employment multiplier and how this economic tool was being applied to calculate the number of jobs that a particular project or program would support. For example, the Government keeps claiming that the Western Sydney Airport will generate a particular number of jobs, but I want to know how it reaches those figures. The title of the 2020-21 budget is *Creating Jobs and Securing Our Future*. Asking how the Government calculates the number of direct jobs in New South Wales is not an unreasonable question. Instead of a proper response, my question No. 3848 was met with the following cursory answer:

The NSW Treasury Employment Calculator, as well as associated technical guides, policy and methodology papers, cost-benefit analysis and a user guide can be found on the NSW Treasury website.

I, of course, had already looked at the website, and the basic information I sought is just not there. That is why I asked the question. I also read the Standing Order 52 material relating to how jobs figures are calculated, and frankly one could drive a truck through the gaps that the Government seems to be basing its jobs claims on. So I ask the key questions again, and I will keep asking them. If the Government is serious about jobs, especially in western Sydney, it should be prepared to stand up and say how it calculated how many jobs would be generated and maintained, otherwise its so-called jobs plan is all just spin.

I want to know, for example, with the new employment multiplier of 4.3, what are each of the numbers calculated as contributing to total New South Wales employment contribution for direct employment, the industrial effect and the consumption effect? What qualifications are given for the use of this multiplier in calculating the total number of New South Wales jobs created? Can the multiplier identify direct and indirect jobs as distinct and discrete numbers for the New South Wales Government, and how does it do that? Do the jobs figures identified when using the multiplier apply to the current financial year or over several years? The key issue is how many of these jobs actually will be created in New South Wales? It is very interesting that so many of the claims never say "New South Wales", and in fact rarely do they even mention "Australia". On the basis of the



material that I have read, I challenge the Government to specifically say how many of these proposed jobs will actually be created in the State and over what period? Why the secrecy? If some Government decisions are creating New South Wales jobs, then that is good. Show us the evidence, not just the media release. [*Time expired.*]

## NSW WOMEN OF THE YEAR AWARD FINALISTS

### FASTER PAYMENTS POLICY

**The Hon. SAM FARRAWAY (13:19):** I take note of answers given by the Minister for Mental Health, Regional Youth and Women relating to the 2021 NSW Woman of the Year award finalists. I congratulate the Minister on her support of the 2021 NSW Women of the Year awards. As the Minister highlighted, the awards—now in their tenth year—celebrate the incredible achievements of women and girls across the State. The 30 finalists are truly an inspiration, each leading the charge and inspiring others within their communities and across New South Wales. I am so pleased that numerous nominees and finalists are from regional and rural New South Wales. There are some fantastic finalists from across western New South Wales. Firstly, Dawn Smith, finalist for the NSW Aboriginal Woman of the Year award, is a voice for the Aboriginal people in her small community of Bourke in western New South Wales. Dawn is renowned for her proactive role in securing funding for improved housing for the Aboriginal people in her community.

One could not go past the fantastic and truly inspirational Grace Brennan, the founder of the Buy from the Bush campaign, based around the Trangie and Warren region. I met Grace only a few weeks ago when I was in Warren. Her story is fantastic. During horrible drought, she motivated small businesses out in the bush to sell their products, goods and services right across the State. Some members may recall the Christmas 2019 street stalls in Martin Place. With Grace's hard work, they sold out within three hours of trading. That was absolutely fantastic.

Reburdah Dennis is another finalist for the NSW Young Woman of the Year award. Reburdah has overcome personal hurdles to establish a touch football competition in her outback community. In a town of just over 6,000 people, she rallied 14 teams to pull together over an eight-week competition. I met Reburdah when I was in Walgett. She is very involved with the local Walgett PCYC. Reburdah is truly an inspiration for the next generation of youth and women to become involved in their communities.

I also want to touch on the answers given by the Minister for Finance and Small Business. It is important to note that \$16.5 billion, or around 42 per cent, of the total Government spend on goods and services was directed to 52,800 small- and medium-sized businesses located in New South Wales. It was pleasing to hear that eligible small businesses are being paid by New South Wales Government within five days. That is a cash flow positive for those businesses. [*Time expired.*]

### SCREEN INDUSTRY

**The Hon. ROSE JACKSON (13:22):** I take note of the answer given by the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts in relation to community concerns about the production of *RuPaul's Drag Race Down Under* shifting from Sydney to New Zealand. I assure the House that the shadow being thrown at this missed opportunity for our great city is substantial. In his response, the Minister touted international productions underway in Sydney. Because of the COVID-19 disaster in the United States a number of Hollywood productions have moved to Australia, but the local arts and cultural scene is still under extreme stress. Local productions are still extremely limited.

Research published today has shown that 50 per cent of people working in the arts and cultural scene are considering leaving the industry and live music is running at 4 per cent of pre COVID-19 capacity. We still have a major problem with the arts and cultural scene in Sydney. What can the New South Wales Government do? It can look for opportunities for local performers—not just the Hollywood stars. It can also ensure that once the United States is back on track that these productions stay here and not go back to Hollywood. We can do that by embedding the streaming services in New South Wales, and Matthew Deaner from Screen Producers Australia has indicated that is a key factor.

*RuPaul's Drag Race* was a screening service production, a Stan production. It was absolutely crucial to embed that production in Sydney. That did not happen. It is now being filmed in Auckland. What did the Minister do? Nothing. He said they should have asked for support if they wanted it: "They should have called us". Allow me to assure the Minister that they do not need our money. This is an international phenomenon. *RuPaul's Drag Race* is massively popular. It is not a case of "they should have called us". We should have been calling them to ask, "What can we do to keep this production in Sydney? How can we make this more attractive for you?"

This was the moment for the makeup artists, the costume designers, the set designers, the lighting designers and the performers to showcase what they were doing on an international stage. The New South Wales Government did not even lift a finger to try to keep that production in Sydney or to embed streaming services in

Sydney. Facts are facts: This was a massive missed opportunity. It is sickening—and not in a good way—that the New South Wales Government let *RuPaul's Drag Race Down Under* slip away. The Minister should sashay away and make sure it never happens again.

#### NORTHBOURNE PUBLIC SCHOOL

#### GLEDSWOOD HILLS PUBLIC SCHOOL

**The Hon. WES FANG (13:25):** It is good to see that the Opposition is debating the big issues! I take note of the answer given by the Minister for Education and Early Childhood Learning to a number of questions relating to schools and planning. The Minister talked about the Government's investment into schools. I think he touched a raw nerve because the Minister is allocating \$7 billion to education infrastructure. When those opposite were in government, they closed 90 schools. What is playing out in this Chamber indicates that those opposite are envious because this Government and the Minister have committed such a large amount of money for education. Probably the school issues now being raised are due to the school closures when they were in government—90 schools were closed and over 100 were planned to be closed.

That was a big marker for this Government to correct but we are doing it through that record investment of \$7 billion. The education track record of those opposite when in government is well known. At the State and Federal levels we had the Building Education Revolution debacle rolled out by Labor where 25 per cent of its funding went on administration alone. While New South Wales accounted for about 22 per cent of the funding, it accounted for over 50 per cent of the complaints. This Government is spending \$7 billion on building schools in western Sydney. It is a bit rich for the Opposition to criticise that investment because when they were in office they closed schools and mishandled funding. That is a shame.

#### GLEDSWOOD HILLS PUBLIC SCHOOL

**The Hon. MARK BUTTIGIEG (13:28):** I want to address some of the answers that were given to my question regarding Gledswood Hills Public School. We heard about a chronic oversubscription of enrolments at Gledswood Hills Public School. That school has 800 enrolments, with permanent accommodation for only 600 students. The Minister could not give me a time line but said that stage two planning was approved and she would get back to me on notice. Meanwhile, down the road in neighbouring Gregory Hills there is almost a generation of families who moved there on the promise of a public school—a promise that has been on track now for almost 10 years, having been promised in 2012. That suburb is literally sprouting over the vacant land. All one sees is a vacant block of dirt and the sign saying that the school will be built gets painted over because it is on the never, never. I will quote what this rooster out there, who is supposed to represent those constituents, Sidgreaves said—

**The Hon. Matthew Mason-Cox:** Point of order: My point of order is self-evident. The member should not be referring to members of the other place in a disparaging way.

**The PRESIDENT:** I uphold the point of order.

**The Hon. MARK BUTTIGIEG:** I withdraw the reference to the word "rooster". Local member Peter Sidgreaves, the member for Camden, stated, "I don't believe our that our local schools are overcrowded", and he will not give an answer on the promise. We have a perfect storm here, with a depressed economy as a result of bushfires and COVID and screaming demand over at the existing school of Gledswood. If you talk to the principal out there, they are asking parents to stagger drop-off times because it is so dangerous, given the density of that student drop-off.

This Government is boasting about how well it has done during an economic recession, yet it cannot even ameliorate the demountable accommodation by building proper accommodation for stage two and building Gregory Hills to satisfy the demand. This is preposterous. These families need certainty. Their kids deserve a decent education. I do not understand why south-western Sydney gets pushed to the bottom of the queue every time in favour of richer metro areas. It is unacceptable for this Government to come in and boast about how well it has done when we have got that demand and people crying out for facilities. It would create local stimulus and satisfy the need for education. It is unacceptable. Labor will keep pursuing it until we get a result.

**The PRESIDENT:** Order! Pursuant to standing orders debate is interrupted to allow the Parliamentary Secretary to respond.

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. SCOTT FARLOW (13:31):** I give the Opposition some credit: There was a little bit more enthusiasm from those opposite today than there was yesterday. They were maybe a little less distracted than they were yesterday. Maybe it was the Mick Veitch effect? I don't know. In question time the big hit from the

Opposition started with the question directed to the education Minister about a so-called "independent report". Who would you get to do an independent report? A former Labor Premier, of course—that is very independent. Who would you get to commission that report? The NSW Teachers Federation, of course—again, another very independent organisation. Of course, when bowling up to the Minister with a question about an independent report, you would choose a report that has not been published nor released yet and which the Minister has not seen. We kicked off with that one today.

Then we came to Northbourne Public School, a school that has been delivered a year earlier than planned. The Minister is completely on top of having students in place at that school, trying to keep that cohort together. As the Minister told the Chamber today, buildings at that school will be opening by the middle of this year. It really was another own goal from the Opposition. We are seeing more and more people going into school infrastructure. As the Hon. Wes Fang pointed out, more than 100 schools have been built across New South Wales, with \$7 billion in our School Infrastructure fund. Those schools are also helping with our COVID recovery, as part of our school building and school infrastructure program. That is in stark opposition to what those members opposite did when they were in government. They closed 90 public schools across the State, and we are still catching up on rebuilding those schools.

We had questions from the Hon. Walt Secord regarding our southern businesses. Of course, we had the southern border business grants. When the Hon. Damien Tudehope was asked about the threat to those businesses, he outlined that the biggest threat was the Victorian Government and its border closures. The Hon. Walt Secord took a point of order stating that New South Wales closed its borders. As the Minister outlined, we closed our border when there were 197 cases a day in Victoria. However, when we look at those members opposite, it was the Leader of the Opposition, and member for Strathfield, who on 5 July 2020 called for the border to be closed to Victoria. It was the member for Strathfield who called for the borders to be closed to Queensland back in April. If those members opposite were in government, we would have had not only southern border businesses affected by border closures but also northern border businesses affected by border closures brought on by them. It was their party that called for border closures to the south and the north, and they cannot walk away from that responsibility. Meanwhile, members on this side of the House want to keep the economy open, keep borders open and keep people in jobs.

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

**Motion agreed to.**

*Written Answers to Supplementary Questions*

**INTENSIVE SUPPORT TEACHERS**

In reply to **the Hon. COURTNEY HOUSSOS** (16 February 2021).

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

Aberdeen Public School  
Abermain Public School  
Albion Park High School  
Albury High School  
Ambarvale High School  
Asquith Public School  
Bangalow Public School  
Bankstown Public School  
Bathurst South Public School  
Bathurst West Public School  
Beechwood Public School  
Bega High School  
Bega Valley Public School  
Bellbird Public School  
Bellingen High School  
Belmont North Public School  
Bennett Road Public School  
Beresford Road Public School  
Biddabah Public School  
Birchgrove Public School  
Bonnet Bay Public School  
Bonnyrigg Heights Public School  
Bonville Public School  
Botany Public School  
Bowral Public School  
Budgewoi Public School  
Bulli Public School

Bulli High School  
Burnside Public School  
Cambridge Gardens Public School  
Campbelltown North Public School  
Caringbah North Public School  
Casino High School  
Cecil Hills Public School  
Centaur Public School  
Charlestown Public School  
Charlestown East Public School  
Chipping Norton Public School  
Colo High School  
Corowa High School  
Corrimal High School  
Cringila Public School  
Cronulla High School  
Culburra Public School  
Cumberland High School  
Cundletown Public School  
Currans Hill Public School  
Daceyville Public School  
Dubbo College Senior Campus  
Dubbo North Public School  
East Hills Boys High School  
East Hills Girls Technology High School  
Eden Public School  
Eden Marine High School  
Edensor Park Public School  
Eglington Public School  
Eleebana Public School  
Ellison Public School  
Emerton Public School  
Emmaville Central School  
Erina High School  
Ermington West Public School  
Eschol Park Public School  
Eumungerie Public School  
Eungai Public School  
Evans High School  
Evans River Community School  
Fairfield West Public School  
Fairvale Public School  
Fairy Meadow Public School  
Farmborough Road Public School  
Figtree Public School  
Five Islands Secondary College  
Flinders Public School  
Forest Lodge Public School  
Georges Hall Public School  
Gerringong Public School  
Gladstone Public School  
Glenorie Public School  
Great Lakes College  
Greenway Park Public School  
Greta Public School  
Gulmarrad Public School  
Guyra Central School  
Gwandalan Public School  
Hannans Road Public School  
Harbord Public School  
Harrington Park Public School  
Harwood Island Public School  
Hastings Secondary College  
Hunter River High School  
Hunter Sports High School  
Huskisson Public School  
Illawarra Sports High School  
Ironbark Ridge Public School  
Irrawang Public School  
Jamberoo Public School  
James Erskine Public School  
Jesmond Public School  
Jindera Public School  
Jordan Springs Public School  
Kearsley Public School

Kiama Public School  
Killarney Vale Public School  
King Street Public School  
Kurrajong North Public School  
Kurri Kurri Public School  
Lake Illawarra High School  
Lake Macquarie High School  
Lakelands Public School  
Lansvale Public School  
Lawrence Public School  
Lismore South Public School  
Lithgow Public School  
Llandilo Public School  
Lochinvar Public School  
Lurnea High School  
Macksville High School  
Maitland East Public School  
Manilla Central School  
Martins Gully Public School  
Marulan Public School  
Matraville Soldiers Settlement Public School  
Melville High School  
Minto Public School  
Miranda Public School  
Moorland Public School  
Moruya Public School  
Mount Brown Public School  
Mudgee Public School  
Nabiac Public School  
Nana Glen Public School  
Narellan Vale Public School  
Narooma Public School  
Narrabeen Lakes Public School  
Narrabeen North Public School  
Narrandera High School  
Narromine Public School  
North Nowra Public School  
Nowra Hill Public School  
Nundle Public School  
Oak Flats Public School  
Oberon High School  
Orange High School  
Orara High School  
Ourimbah Public School  
Oxley Vale Public School  
Panania Public School  
Parkes Public School  
Parramatta Public School  
Parramatta High School  
Peakhurst Public School  
Peakhurst South Public School  
Peakhurst West Public School  
Perthville Public School  
Port Kembla Public School  
Port Macquarie Public School  
Pretty Beach Public School  
Quirindi Public School  
Raglan Public School  
Rathmines Public School  
Raymond Terrace Public School  
Redhead Public School  
Richmond North Public School  
Riverwood Public School  
Rockdale Public School  
Ropes Crossing Public School  
Rowland Hassall School  
Rydalmere East Public School  
Sandon Public School  
Scotts Head Public School  
Singleton Public School  
Singleton Heights Public School  
Smith's Hill High School  
South Grafton Public School  
St Clair Public School  
St Johns Park Public School

Stanmore Public School  
Strathfield South Public School  
Sunshine Bay Public School  
Sylvania Heights Public School  
Sylvania High School  
Tacking Point Public School  
Tallowood School  
Taree West Public School  
Temora High School  
Temora West Public School  
The Entrance Public School  
The Henry Lawson High School  
The Ponds School  
Thirroul Public School  
Thomas Acres Public School  
Thornton Public School  
Thurgoona Public School  
Tomaree Public School  
Tomaree High School  
Toongabbie Public School  
Toukley Public School  
Tower Street Public School  
Truscott Street Public School  
Tullimbar Public School  
Uki Public School  
Ulladulla Public School  
Unanderra Public School  
Wallsend Public School  
Waratah West Public School  
Warilla North Public School  
Warners Bay Public School  
Warragamba Public School  
Warrawong Public School  
Warren Central School  
Wellington Public School  
Wentworth Falls Public School  
Werrington County Public School  
Wheeler Heights Public School  
William Stimson Public School  
Willmot Public School  
Windsor Public School  
Windsor Park Public School  
Winmalee Public School  
Winston Heights Public School  
Woodport Public School  
Woolooware Public School  
Woronora River Public School  
Woy Woy South Public School  
Wyee Public School  
Wyoming Public School  
Yagoona Public School  
Yanco Public School  
Young Public School

### **ELECTRICITY INFRASTRUCTURE ROADMAP**

In reply to **the Hon. MARK LATHAM** (16 February 2021).

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

Parliamentary privilege is that, a privilege, and Mr Latham on this topic has been content to abuse that privilege, making serious allegations without the facts to back them up. He also has responsibility not to mislead this House, which this question does in a defamatory way.

In particular, Cameron Hepburn was not engaged to do modelling for the Roadmap, Aurora Energy was engaged. Aurora's engagement was a decision made by the department, following a competitive process.

And further, Aurora Energy has advised the department that Cameron Hepburn was not even involved in its work on the Electricity Infrastructure Roadmap.

To get wrong key and basic facts in making such serious allegations speaks volumes about Mr Latham's approach to his ethical obligations to the House.

As to the final part of the question, Page 43 of the Detailed Report for the Electricity Infrastructure Roadmap details that forecasts for rooftop solar penetration were taken from the Australian Energy Market Operator's Draft 2020 integrated System Plan.

*Committees***SELECTION OF BILLS COMMITTEE****Membership**

**The PRESIDENT:** I inform the House that on 16 February 2021 the Clerk received advice from The Greens of the following change to membership of the committee:

Ms Abigail Boyd in place of Mr David Shoebridge.

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

*Private Members' Statements***FIREARMS LEGISLATION**

**The Hon. ROBERT BORSAK (15:00):** Today I will talk about the overwhelming response from the citizens of New South Wales in relation to the petition against the negative consequences of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill. In less than six days, this petition garnered over 22,000 signatures and crashed the parliamentary website three times. If that is not an indication to the New South Wales Government that it is on the wrong side of the tracks with this disgraceful control bill, I do not know what it will take. This bill seeks to remove our freedom of speech. It is an attack on our right to freedom of association and it is an invasion of our privacy, not just for shooters but for every citizen of this State. These freedoms are why people are proud to be Australian, and why the Shooters, Fishers and Farmers Party will defend them at all costs. There are many countries that do not experience the same freedoms and they suffer greatly because of that. Through this piece of legislation we again see a Liberal-Nationals Government chipping away to remove those freedoms under the guise of a firearm precursor and under the cover of COVID.

This is nothing more than a control bill and a continuation of the attack on legal firearms owners in this State by this Liberal-Nationals Coalition. It is a continuation of the removal of all freedoms that this Government is proud to continue: It hates civil liberties. The main victims will be farmers and rural, regional and remote residents who do not have the luxury of proximity. The Nationals know this. For 100 years they have spruiked that these are their people and they represent them, yet now we see our farmers, who use firearms as tools of trade, potentially rendered criminals for simply maintaining or cleaning their firearms. Just for possessing the equipment that an overzealous and underqualified police officer deems could be used to modify a gun, they can have their firearms taken from them, never to be returned. They can be forced to answer questions, hand over passwords and submit to searches without warrants. The same goes for our sporting shooters.

As licensed firearms owners who own registered firearms, we are encouraged to maintain and keep them clean and safe via memorandums from the Firearms Registry. It is incredibly difficult and expensive to send your firearm to a gunsmith. There are a fewer and fewer of them, as this Government makes it deplorable to even have anything to do with firearms. For example, banks now decline applications for loans to firearms businesses as they do not want to be associated with potential "criminals". It is no surprise to us that the Liberals would create a bill that is a flagrant middle finger to our farming communities, but it is always disappointing when Shooters, Fishers and Farmers Party members are the only ones who challenge them.

The Nationals are forever failing to stand up for the basic rights of rural, regional and remote New South Wales, and that will not ever be acceptable as long as they still have seats in those electorates. The Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 is not acceptable, and already over 23,000 people have made that abundantly clear. By the time the petition closes, it will be the highest number of signatures on a petition ever recorded in the New South Wales Parliament and the biggest finger to this controlling, belligerent Government.

**STEPHEN CATHCART, PSM**

**The Hon. SHAYNE MALLARD (15:04):** In this year's Australia Day Honours List for outstanding public service, Stephen Cathcart was awarded a Public Service Medal and honoured for his service to the New South Wales National Parks and Wildlife Service, particularly for the protection of the iconic Wollemi pines during the 2019-20 summer bushfires. Stephen was an integral member of the Wollemi pine operation, which was a group of highly experienced firefighters and ecologists from the National Parks and Wildlife Service and the Rural Fire Service, specifically recruited to deal with the fire threat and to minimise the impacts of fire on our Wollemi pines.

For thousands of years the Wollemi pines were thought to be extinct—certainly for 100 years, or thousands of years in terms of the record—until the Wollemi pines forest was accidentally discovered in 1994 in the Blue Mountains. Its exact location in the Greater Blue Mountains World Heritage Area remains a closely guarded secret

to protect it from accidentally introduced disease. Some of the adult trees are estimated to be up to 1,000 years old and the species may be up to 90 million years old. There are fossil recordings that show they were around when dinosaurs roamed the earth.

With the fires, the Wollemi pines could have been close to extinction in the wild were it not for the brave—and generally they are brave—efforts and involvement of the National Parks and Wildlife Service members and the Rural Fire Service. The Wollemi plan was part of an unprecedented environmental protection mission to save the famous dinosaur trees from the Gospers Mountain fire last summer. As the fire came closer and closer to the pines, Stephen made the brave decision to be winched in on his own for several hours to fight the fire. That involved extensive repairs and activation of an irrigation system that had been installed in preparation for the fires. Stephen stated, "It wasn't part of the [Wollemi] plan ... normally we would go down in pairs. I certainly wouldn't want one of my younger rangers or field staff making that decision, but I've been involved in fire for an awful lot of years. I wouldn't have done it if I thought it was too risky to others. But knowing the afternoon was going to get worse, it was a couple-of-hours window to do this."

For those efforts and his 30 years of dedicated service to the conservation of the State's natural and cultural heritage, Stephen was awarded the Public Service Medal in the Australia Day Honours list. I take this opportunity to congratulate Stephen on his award and bravery as well as the other members of the team—the National Parks and Wildlife Service [NPWS] and the Rural Fire Service—who helped to save the pines. I, along with the Minister for Energy and Environment, the Hon. Matt Kean, recently met with Stephen and Atticus Fleming, the NPWS deputy secretary; David Crust, who is a well-respected NPWS director for the Blue Mountains; and Berin McKenzie, who is a Department of Planning, Industry and Environment [DPIE] scientist; and their team to hear about their courageous story of saving the pines.

The Wollemi pines is the first site in New South Wales to be declared an asset of intergenerational significance. The declaration is a legally recognised mechanism to bolster existing measures that protect the species for future generations. The designation means the Government can take extra measures to protect the living fossils from bushfires, protecting them for future generations. I am proud to be a part of a Government that is serious about protecting the environment for future generations and is delivering on those commitments.

#### ROAD TOLLS

**The Hon. DANIEL MOOKHEY (15:07):** Toll mania is smashing small business, especially in suburban Sydney, and there is no doubt the Berejiklian Government is to blame. Ms Gladys Berejiklian, Mr Stuart Ayres and Mr Andrew Constance made the choice to extend the toll on the M5 for another four decades. They imposed a new toll on an old road; then they privatised it. Why? It is simple. The cost of building the WestConnex has exploded. A road the New South Wales Liberals said they could build for \$10 billion is now nearing a cost of \$20 billion. As costs rise and as budgets explode, the Government is slugging suburban Sydney with the bill.

We recently learnt that the average household in Camden will end up paying on average \$10,000 in tolls over the next 10 years. The top 10 per cent of toll-paying households in both Liverpool and Fairfield will pay over \$70,000 across the next 10 years. The annual toll bill for all these households is expected to surge to \$10,000 every year by 2033, and south-west Sydney will be hit the hardest by the Government's planned 4 per cent annual price hike. Prices will rise each year every year for decades to come—just like they have on the M4. In case anyone has forgotten, that deal by the Berejiklian Government is as bad as the M5. For 43 years Mr Constance will collect \$26 billion from motorists using the M4. Every three months the toll rises by a minimum 4 per cent. By 2035, the toll will cost \$27 each way.

Toll mania has to stop. But, scarily, it is set to get worse. Speculation is rife that Andrew Constance is about to whack a new toll on the Sydney Harbour Bridge. Apparently he also wants to indefinitely toll the Sydney Harbour Tunnel, instead of getting rid of it when it expires in a few years. The Minister needs those tolls to make-up for the exploding cost of the Western Harbour Tunnel and Beaches Link. That project is about to become one of the most expensive road projects in Australian history. It will cost \$1 billion per kilometre. As my colleague John Graham pointed out, Sydney has become one of the most tolled cities in the world. Labor is listening to the stories suburban Sydney families tell about the devastating impact tolls have on family finances. How prices rise but wages stay the same. Sydney deserves a Government that rules for everyone; not a Government addled by a decade-long addiction to tolls taken from the pockets of the working families of suburban Sydney.

#### BOGAN SHIRE SENIORS AFFORDABLE LIVING

**The Hon. SAM FARRAWAY (15:10):** Recently on one of my many trips out west I visited the home of the Big Bogan in Nyngan to talk with locals about the four new seniors affordable living units. The units on the corner of Dandaloo and Cobar streets were built thanks to Stronger Country Communities funding. The units are available to people over 60 who qualify for the pension and who have resided in the Bogan shire for at least 10



years. The monthly rental for the units will be set at 25 per cent of the Australian aged pension. There to cut the ribbon with me was one of the new residents of the units and local Nyngan legend Jim McGirr. Jim has recently been through some tough times with health concerns and losing his home to a fire. However, talking to him you would not have known all of the dramatic things that had occurred in his life. He was smiling from ear to ear.

We sat on a new bench out the front of the units. Jim told me how much it meant to him to have been given the opportunity to call one of these new units his new home. He said, "It was like winning the lottery when I found out my application was successful". Wendy Clissold, another resident, shared her excitement and thanks to Bogan shire and the State Government for funding the units. She said that the location of the units, being able to continue to reside in Nyngan and their proximity to the CBD was fantastic. Wendy, I totally agree with you. This project showed great vision and dedication to the local community. It is a great example of how this Liberal-Nationals Government is making a real difference to people's lives through the Regional Growth Fund and the Stronger Country Communities Fund. The smile on Jim's face and Wendy's comments are validation that we are doing a fantastic job in delivering for the regions. I congratulate the mayor, the councillors and the team at Bogan Shire Council on their vision and delivery of these fantastic units for seniors in that shire.

### REGIONAL SUSTAINABLE INDUSTRIES

**Ms ABIGAIL BOYD (15:12):** On 6 January 2020 Korean news reported that Korea Resources Corporation [KORES] plans to sell its 82.25 per cent stake in the Wallarah 2 coalmine. A mine that was approved by this State Government; a mine that has caused irreparable damage to the drinking water catchment for more than 340,000 people who live on the Central Coast. KORES is \$6.1 billion in debt. Despite all the promises to the community, despite all the angst the project has caused the community for the last two decades, it now wants to pack it all in and sell. Wallarah 2 will be difficult to sell because there is no future in coal. Global coal markets have plummeted. Ships carrying millions of tonnes of coal are queued up off the coast of China—and have been since November. The International Energy Agency [IEA] stated that 2020 saw the largest drop in coal consumption since the Second World War, and not just because of COVID.

Coal markets peaked in 2013 and they are expected to flatten forever from 2025 when the IEA says renewables will replace coal as the largest source of power generation globally. The writing is on the wall for coal. Currently 85 per cent of the coal export trade goes to countries that now have net-zero emissions targets. Governments must plan for the near future when these countries no longer want our coal. Communities that currently depend on coal know that coal is coming to an end and they are starting to make their own plans. They deserve our support. There have been some fantastic large-scale renewables projects announced. Industry, universities, local councils and private households are doing their bit to transition away from fossil fuels, despite the New South Wales and Federal governments doing their best to keep Australia addicted to coal.

It is not enough to leave this to the market or the community or councils. Good economic management requires that this Government shepherds workers and communities into new sustainable industries before the end of the coal industry, not after. This requires increased TAFE funding to provide training opportunities for workers to reskill and upskill, funding to boost emerging local industries, financial assistance packages for regions, early retirement options and community-wide support so that no-one is left behind. It must start now before communities are in decline. The longer we wait, the harder and less just this transition will be for the people affected. There must be a fair, just, rapid transition away from coal towards a clean, healthy and safe future. Anything less is an abrogation of responsibility. Anything less is gambling with public money, our health, the environment, Australia's liveability and workers' livelihoods.

### HUNTER JOBS ALLIANCE

**The Hon. MARK LATHAM (15:15):** Why would any worker pay union fees to outfits like the Australian Manufacturing Workers Union and the Electrical Trades Union when the money is being used campaigning for the destruction of mining and manufacturing jobs? That is what is happening in New South Wales through the misnamed Hunter Jobs Alliance. An unholy alliance has formed between trade unions and the Labor Environmental Action Network [LEAN] supposedly to create jobs in the Hunter. Yet LEAN only ever wants to destroy jobs through its obsession with ending the coal industry and its wacky plan for banning gas appliances in people's homes. The unions involved in this job- and wage-destroying alliance feature the usual suspects—the NSW Teachers Federation, the National Tertiary Education Union [NTEU], the Australian Manufacturing Workers' Union [AMWU] and the Electrical Trades Union—getting into bed with the feral greens of Lock the Gate Alliance and the great unwashed of the Wilderness Society. There can be no greater sellout of their membership.

Mainly through the misuse of union money the fake Hunter alliance has employed Warrick Jordan as its organiser in the region. That says it all. Jordan has been involved with most of the illegal protests against resource development and jobs in New South Wales over the past 20 years. He has never seen a mining or manufacturing

job he did not want to destroy. His vision for the Hunter economy is people sitting on Bar Beach threading shell necklaces for tourists. There are 75,000 coal-reliant jobs in the Hunter—15,000 direct and 60,000 indirect. In the Singleton and Muswellbrook local government areas three out of every five homes are coal-income reliant. There is simply no way of viably replacing this volume and intensity of jobs. Yet that is the tragic plan the AMWU and the ETU are funding. The Hunter Jobs Alliance is playing a cruel trick, a dreadful hoax on the region's working class. They want people to believe that you can wipe out 75,000 coal-reliant jobs and replacement work will appear like magic in the same locations using the same worker skill sets. That people will walk out of their current job one day and into a new green job the next.

Jennie George, the former ACTU leader and Labor MP, has called out the falsehood. Hydrogen green steel is not possible in blast furnaces, and 100 per cent renewables cannot power up aluminium smelters such as Tomago near Newcastle. These are the myths being spread by the fake jobs alliance in the Hunter. Look at the other loopy projects that they have put forward cruelly deceiving workers about their feasibility: The reuse of fly-ash to create about a dozen jobs, turning abandoned coalmines into water play parks and a flotilla of wind turbines floating off the coast of Newcastle—at least that will give the necklace threaders on Bar Beach something to look at. The day the Australian Labor movement abandoned job protection and job creation in favour of the woke, elite corporate urgers looking for an easy renewable energy buck, was the day it ceased to be a labour movement.

### TAFE NSW HAY CONNECTED LEARNING CENTRE

**The Hon. WES FANG (15:19):** I update the House on the significant headway being made on the construction of the \$7 million TAFE NSW Connected Learning Centre in Hay. The Hay CLC paints a bright future for the community and will enable TAFE NSW to expand the range of courses available. More importantly, it means that young people can live and learn locally. We are committed to ensuring that every student has access to the best education no matter where they live. Once the CLC is completed, it will open up new education and training opportunities for the local community, reducing the need to travel elsewhere to gain job-ready skills.

Regional New South Wales is central to the modernisation of TAFE NSW and shows that the New South Wales Government is rolling up its sleeves and getting on with the job of providing quality training for regional students and a future workforce for local employers. The Hay CLC will equip students with the skills, knowledge and connections to employers that are needed to support the local economy. Currently, the roof and structural steel are being installed and the connection of main services is underway, which means students will soon be able to take advantage of flexible world-class training in their local community. The fit-for-purpose facility will transform education and training in Hay by providing students with increased access to teachers, support services and the latest learning technologies.

The TAFE NSW CLCs are backed up by the latest learning technologies such as virtual reality and simulation, along with a full range of mobile training units that deliver the high-quality practical training that TAFE NSW is known for, in line with local community and employer needs. The digitally enabled CLC will tap into the statewide network of TAFE NSW campuses and courses to significantly expand educational opportunities in the area beyond what is currently offered at the existing TAFE NSW campus in Hay. The CLCs are one of the key initiatives of the Government's One TAFE reforms that will enable TAFE NSW to deliver modern, flexible and industry-relevant training across New South Wales.

Construction of the TAFE NSW Hay Connected Learning Centre is scheduled to be completed in late 2021 and I look forward to attending the official opening. While I was in Hay I met the mayor and general manager of the council—it is a fantastic go-ahead council. The Hay community is really appreciative of all the programs the New South Wales Government is rolling out across its great local government area. It is extremely pleasing to see that we have got the bricks and mortar on the ground to support that community and its education of future generations.

### DENDROBIUM MINE EXPANSION PROPOSAL

**Ms CATE FAEHRMANN (15:22):** Earlier this month the Independent Planning Commission [IPC] rejected the proposed expansion of the Dendrobium mine underneath Sydney's drinking water catchment—as it should have. The Premier and the Minister for Planning and Public Spaces have had the sense to accept the commission's decision. Deputy Premier John Barilaro, with the NSW Minerals Council, the Labor member for Wollongong and the Labor member for Keira have decided that we need balance—an apparent need for balance between the protection of the water catchment of a city facing increasing water scarcity and the expansion of a coalmine in the midst of a climate crisis.

The IPC's report is damning. The expansion would cause significant subsidence resulting in the degradation of 25 watercourses and swamps; the potential instability and fracturing of up to 40 cliffs; detrimental impacts to biodiversity, threatened ecological communities and Aboriginal cultural artefacts and values, including

irreversible damage to 58 identified Aboriginal cultural sites; potentially significant surface water losses into the groundwater systems; and a 3.9 per cent reduction in the yield of the Avon Dam catchment during drought conditions. The IPC also had doubts about how much could be done to fix our water catchment if the mine were to destroy the integrity of it.

Without a hint of irony, the Deputy Premier described the decision by the IPC as "one of the most destructive decisions since the IPC's formation". The Deputy Premier is suggesting that we ignore the warnings of an independent body and risk damaging Sydney's water supply for centuries to come. The Opposition's natural resources spokesman, Paul Scully, said the decision "has serious implications for thousands of workers and local businesses given the importance of the South 32 to the Illawarra's manufacturing supply chain".

But the commission rejected that argument on the basis that the majority of Dendrobium's coal is destined for markets outside of the Illawarra and, further, that the Wongawilli seam coal would not be available for some considerable time based on the applicant's scheduling of area five from 2024, followed by area six some 19 years later. The commission does not accept the suggested dependence of BlueScope's steelworks on ongoing access to the Wongawilli seam coal from this project. It is disappointing that the false choice between protecting our environment and the right of future generations to a safe climate and water supply or protecting jobs has once again been prosecuted not only by The Nationals—we expect that—but also by the Labor Party.

### MODERN SLAVERY LEGISLATION

**The Hon. GREG DONNELLY (15:25):** As I have outlined in the House before, I do not believe that the Premier and the Government are genuine or acting in good faith when it comes to getting the Modern Slavery Act 2018 proclaimed and operational in this State. They say they are but their actions demonstrate something different. I remind honourable members that the Modern Slavery Act 2018 was given royal assent on 27 June 2018—almost 32 long months ago. Since then, it has been languishing.

Having finally admitted that it had not proclaimed the legislation in May 2019, the Government insisted that it be subjected to a parliamentary inquiry. With this done and the inquiry report being tabled on 25 March last year, instead of getting on and promptly proposing any minor or technical amendments to enable it to operate concurrently with the Commonwealth Modern Slavery Act 2018, the Government took six full months to respond to the report and its recommendations. In May last year, anticipating the Government would drag the chain regarding its response to the inquiry's report and recommendations, the House passed a motion calling on the Executive Government to commence the Modern Slavery Act 2018 by 1 January 2021. On 18 November last year the House passed a further motion that in part stated:

- (3) That this House will regard a failure by the Berejiklian Government to commence the Modern Slavery Act 2018 (NSW) by 1 January 2021, in accordance with the will of the House and the recommendations of the Social Issues Committee report, as a contempt of this House and hold the Leader of the Government accountable as the representative of the Government in this Chamber.

It is now 17 February 2021 and none of us are any the wiser about when the Modern Slavery Act 2018 will be proclaimed and commence operating. Apparently some negotiations are going on behind closed doors with the Commonwealth Government regarding the legislation. Exactly what is being discussed, we do not know. Who knows how long the discussions will go on for. It is my view that this Parliament, indeed this House, has been very patient towards the Premier and the Government regarding this matter. It seems to me that if this matter is not satisfactorily resolved in the near future, the House may find itself in a situation where it has to consider options, including if it should decline to deal with all Government legislation unless and until the Modern Slavery Act 2018 is proclaimed and commences. If we are not at that point yet, we must surely be getting close.

### NATIVE FOREST LOGGING

**Mr JUSTIN FIELD (15:28):** In the past 12 months honourable members will have heard me talk about the devastating impact of logging on burnt forests across New South Wales. In my area on the South Coast about 80 per cent of forests were burnt. Yet just a month after the fires, logging had returned to areas about 20 kilometres south of my home in the South Brooman State Forest and also at Mogo. The community was absolutely outraged by what happened and it prompted a community science effort to monitor the logging that was being conducted. We found numerous breaches, including breaches of the hollow bearing tree rules and of the removal of large trees. It prompted a response by the Environmental Protection Authority [EPA] that eventually led to stop-work orders being issued and the Forestry Corporation walking away from some of the coops that they were trying to log. It was a huge win for community science and the community in general which showed that there were systematic breaches of the law in New South Wales; good on the EPA for following it up.

The response from the EPA led to a political stand-off in New South Wales. The Forestry Corporation kicked up a stink and said, "We don't want to comply with these new post-fire logging rules." The EPA said, "If you go in and try to log under the old pre-fire rules, we think you will be breaching the law." This political

stand-off led to discussions for a Natural Resources Commission review on how damaged and burnt forests across New South Wales—particularly on the South Coast—could be logged, if at all. So imagine my surprise when the EPA issued a media release yesterday afternoon that said the Forestry Corporation has now withdrawn from the discussions around how it could appropriately manage the logging of burnt forests, if at all, on the South Coast. The Forestry Corporation has indicated that it intends to just go in to restart logging on the South Coast.

I am disgusted that the Government has not dealt with the devastating impact on the ecology and the community from the fires now more than 12 months since they were put out. We know these forests cannot sustain that type of logging. We have seen reports that say post-fire logging stops the recovery of these forests for potentially 100 years. In fact, logging of the forests increases fire risks. Despite all the evidence, this Government is exposing communities to a worsening risk of fire and exposing forests to long-term degradation. This is going to start a new forestry war. I have worked tirelessly for the past 12 months to build some degree of consensus with the Government about a way forward here and it has thrown it back in the community's face. The Government has just restarted the forestry wars on the South Coast and it should be absolutely ashamed.

### *Bills*

## **PUBLIC HEALTH AMENDMENT (VACCINATION COMPENSATION) BILL 2021**

### **Second Reading Speech**

#### **Debate resumed from an earlier hour.**

**Reverend the Hon. FRED NILE (15:31):** As I was saying earlier today, a report in the *British Medical Journal* in 1999 titled "Public should be told that vaccines may have long-term adverse effects" was authored by John Barthelow Classen and David C. Classen and concluded that the risks of vaccines were not trivial and these should be communicated to the public more effectively so that people can make better informed choices about how to manage their health. I believe what was said then holds true today.

On 1 January 2021 Sonia Acevedo, a 41-year-old Portuguese nurse and mother of two, died two days after receiving the Pfizer-BioNtech vaccine. Her father told *The Daily Mail* that she never drank alcohol and was in perfect health. On 3 January 2021 Dr Gregory Michael, a Miami obstetrician, died of a haemorrhagic stroke after receiving the Pfizer-BioNtech vaccine. Dr Michael developed a well-known vaccine side effect known as acute idiopathic thrombocytopenic purpura, or ITP, immediately after receiving it. On 14 January 2021 the Norwegian Medicines Agency reported a total of 29 people had suffered side effects—13 of them were fatal. These are just three of the most recent examples of horrendous side effects experienced by people who have taken the COVID vaccine.

According to the latest information published by the United States Centers for Disease Control and Prevention's Vaccine Adverse Effect Reporting System, 934 people have died after taking the COVID vaccine. While this is statistically a small percentage, it is still a huge amount in human cost. In light of this, I think it is perfectly understandable why some members of the community are concerned about the vaccine's application. Whether a business requires an employee to be vaccinated is a private legal matter but it is one that can be regulated by legislation, which is one of the things that the bill seeks to do. The bill addresses all vaccines, not just the ones that are being promoted by the Federal Government and the mainstream media at present.

Over the past several months there has been some commentary about whether any future vaccination regime should be compulsory. I think a reasonable person may conclude that if ordinary activities associated with life, such as entering a public building or getting on transport, are rendered near impossible for a person who cannot prove that he is vaccinated, then it could be said that the regime is effectively compulsory. The right of bodily integrity is a fundamental right under our law. However, there are exceptions to this rule and some laws exist in other jurisdictions that allow authorities to compel members of the public to undergo medical treatments if there is a strong public interest to do so.

Naturally, we should all be very concerned about the potential for overreach in some of these provisions, and I certainly hope that New South Wales does not follow suit in passing the draconian legislation that is now on the books in other States. In any case, for the purposes of the bill, the controversy can be boiled down to the following question: Should an employer acting on their own motion have the right to effectively coerce an individual to undergo an invasive medical procedure against that person's will or consent? I would say most normal people would say no. The slogan "my body, my choice" comes to mind, but somehow those who are most enthusiastically shouting it in relation to other matters seem to be strangely silent on this subject.

In the event that any employer makes vaccination a condition for continued or new employment and doing so is deemed lawful, it is only reasonable that the employer take on the liability for any adverse effects suffered by the vaccinated person. After all, why should somebody who effectively forces an individual to do something

that they would not have ordinarily done themselves, and who suffers damage as a result, not be held liable? The bill simply legislates a responsibility on the party that is requiring somebody to do something that may be hazardous and holds them to account for their own policies and requirements in the event of damage or loss. I commend the bill to the House.

**Debate adjourned.**

*Motions*

**PARLIAMENTARY APPROPRIATIONS**

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

That private members' business item No. 974 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (15:38):** I move:

- (1) That this House does not agree with the action taken by the Legislative Assembly in transmitting the Appropriation (Parliament) Bill 2020 to Her Excellency the Governor for assent notwithstanding that the Legislative Council returned the bill to the Legislative Assembly with amendments.
- (2) That this House rejects the assertion in the Legislative Assembly's message dated 27 November 2020 that the bill was transmitted to Her Excellency the Governor pursuant to section 5A of the Constitution Act 1902.
- (3) That this House:
  - (a) considers that the annual Appropriation (Parliament) Bill is not a bill "appropriating revenue or moneys for the ordinary annual services of the Government" within the meaning of section 5A of the Constitution Act 1902; and
  - (b) maintains that the Legislature is not an instrument of the Government and that the Government does not provide services through the Legislature.
- (4) That this House:
  - (a) notes that in 1993 the Parliament adopted section 24B (3) of the Constitution Act 1902 which, amongst other things, provides for the dissolution of the Assembly by the Governor during a four-year term of Parliament upon rejection of a bill which "appropriates revenue or moneys for the ordinary annual services of the Government", but pointedly excludes a bill that "appropriates revenue or moneys for the Legislature only" from its application; and
  - (b) considers this a clear indication by the Parliament that it does not see parliamentary appropriations as falling within the ambit of appropriations "for the ordinary annual services of the Government".
- (5) That this House asserts that a particular meaning attaches to the phrase "appropriating revenue or moneys for the ordinary annual services of the Government" as used in section 5A of the Constitution Act 1902, and that the deliberate adoption and precise meaning must be understood in the context of the constitutional settlement of 1933, when sections 5A and 5B were inserted into the Constitution Act 1902 after approval by the electors at a referendum.
- (6) That this House intends to pursue a funding model for the Parliament and the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the Ombudsman and the Electoral Commission, the NSW Audit Office, that recognises their independence from the Executive Government.
- (7) That a message be forwarded to the Legislative Assembly conveying the terms of this resolution.

This motion is related to the message received from the Legislative Assembly regarding the Appropriation (Parliament) Bill 2020, which members will remember we amended last year to have the Parliament to provide additional funding to the Independent Commission Against Corruption to offset what were effectively budget cuts. The Chief Commissioner, the Hon. Peter Hall, QC, gave evidence of those budget cuts to a number of inquiries of this House. He showed that if the funding of ICAC had kept pace with inflation, the budget cuts in the 2019-20 financial year would have been \$7 million more than they were, so the increase of \$7.3 million really did not even bring ICAC back to where it ought to have been.

The issue is whether the Appropriation (Parliament) Bill 2020 is a bill for the ordinary annual services of the Government, which is covered by section 5A of the Constitution Act. If there is a dispute between the Houses regarding a bill, the Government can go directly to the Governor, who can sign it into law without the concurrence of this House, which is in fact what the Government did on this occasion. I suggest in this motion—it speaks for itself—that we should disagree vigorously with the action taken by the Legislative Assembly. If one looks at the Commonwealth situation, one sees that it is quite clear that the appropriation for the Federal Parliament is not regarded as an appropriation for the ordinary annual services of government. For example, in May 1980 a select committee of the Senate was appointed to inquire into and report upon the Commonwealth Parliament's control of its appropriations in staffing. That committee reaffirmed the Senate position that the Parliament is not an ordinary annual service of government and that such a classification would be inconsistent with the concept of the separation of powers and the supremacy of Parliament.

It is quite clear that, following on from that, the matter has been dealt with differently. I understand the history here is a little bit different. I understand that there is, for example, advice from the Crown Solicitor and the Solicitor-General in 1992 to the alternative effect. But it is clear, I think in the modern era—given that the Legislative Council is now fully elected—that it is quite inconsistent to regard the funding of the Parliament as part of the ordinary annual services of government. We really need to lay down a clear marker. What is quite clear here is that the advice given by the Solicitor-General in 1992 fails to take into account subsequent developments, such as the insertion of section 24B. History has moved on, and we need to keep up with it. A report of the Legislative Council's Public Accountability Committee, entitled *Budget process for independent oversight bodies and the Parliament of New South Wales*—which the Hon. John Graham and I contributed to—dealt with the controversy at pages 20 to 22. The report states at paragraph 2.71:

In adopting the approach that he did, the Treasurer relied on the advice from the Solicitor-General, Mr Michael Sexton SC, that the bill fell within the operation of section 5A of the *Constitution Act 1902*.

It is quite clear that it was part of the ordinary annual services of government. However, paragraph 2.72 states that there are:

... various legal bases for arguing that the Legislature is not an instrument of government and that the government does not provide services through the Legislature. Of note, it cites the adoption by the Parliament in 1993 of section 24B(3) of the *Constitution Act 1902*, concerning the early dissolution of the Legislative Assembly, which specifically carves out from its operation a bill which 'appropriates revenue and moneys for the Legislature only'. Rather it argues that the precise meaning of the phrase 'ordinary annual services of the Government' must be understood in the context of the constitutional settlement of 1933, when sections 5A and 5B were inserted into the *Constitution Act 1902* ...

It then goes on to talk about the Senate exception, and the need to reform the funding arrangements for the Parliament and oversight bodies. At paragraph 2.80 the report specifically references advice from Bret Walker, SC, about the funding of ICAC. It says that the current funding arrangements are not only inconsistent with ICAC's independence but also a separation of power. I urge members to support the motion before the House, to lay down a marker to assert the rights of this House to amend the Appropriation (Parliament) Bill 2020. In a modern era and in a bicameral Parliament, how can it be that that the Legislative Council cannot have control over its funding and the funding of the Parliament as a whole?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (15:43):** I seek leave to speak for no longer than six minutes on this motion, which is being debated in the short form format.

**Leave granted.**

**The Hon. DON HARWIN:** The Appropriation (Parliament) Bill 2020 was presented to the Governor for assent under section 5A of the Constitution Act. This was done following amendments purportedly made to the bill by this House to include an additional appropriation for the services of the Independent Commission Against Corruption. The Legislative Council has no power to amend a bill to introduce an additional appropriation. The provisions in the Constitution Act relating to money bills—sections 5, 5A and 46—do not permit the Legislative Council to amend a bill by inserting a provision appropriating any part of the public revenue. Section 5 of the Constitution Act provides that:

... all bills for appropriating any part of the public revenue, or for imposing any new rate, tax or impost, shall originate in the Legislative Assembly.

Section 46 of the Constitution Act also reflects the financial initiative of the Crown. This is the principle that the government of the day initiates or moves to increase appropriation and taxation. It follows that the Legislative Council has no power to amend the bill so as to introduce an additional appropriation to ICAC. Any such amendment must originate in the other place in accordance with the procedures contemplated in section 46 of the Constitution Act. Sections 5A and 5B of the Constitution Act provide a deadlock mechanism for bills appropriating money for the ordinary annual services of government. Section 5A provides a mechanism where any bill appropriating revenue or moneys for the ordinary annual services of government can be presented for royal assent and become an Act notwithstanding that the Legislative Council has not consented to it. Section 5A (1) provides:

If the Legislative Assembly passes any Bill appropriating revenue or moneys for the ordinary annual services of the Government and the Legislative Council rejects or fails to pass it or returns the Bill to the Legislative Assembly with a message suggesting any amendment to which the Legislative Assembly does not agree, the Legislative Assembly may direct that the Bill with or without any amendment suggested by the Legislative Council, be presented to the Governor ... for ... Assent ... notwithstanding that the Legislative Council has not consented to the Bill.

Section 5A reinforces the primacy of the Legislative Assembly with respect to money bills. In doing so, it reflects a longstanding and fundamental convention of Westminster parliaments: that the House is directly representative of the people, meaning it should be responsible and accountable for the financial management of the State.

Appropriation Acts of the Commonwealth from its inception and of this State from at least 1900 reveal that specific appropriations for the Parliament have long been treated as part of the ordinary annual services of the Government. It follows that the bill was one to which section 5A of the Constitution Act applied. It was open to the other place to direct that the bill be presented to the Governor for assent notwithstanding that the Legislative Council had not consented to the bill. This is the position of the Government and that is the attitude we take in this debate, which we adhere to in terms of the way we approach these matters.

**Mr DAVID SHOEBRIDGE (15:47):** On behalf of The Greens I indicate our support for the motion. I do so noting that I was the Chair of the Public Accountability Committee [PAC], which grappled with these issues in its most recent report regarding the funding arrangements for both the Parliament and oversight agencies in the State. I will not repeat the history, but I endorse the words of the Leader of the Opposition and the conclusions he came to. I will say this: The Government is clearly reliant upon the advice of the Solicitor-General, Mr Michael Sexton, SC, which references earlier advice given by Keith Mason. Both of those advices suggest that the Legislature, in particular, is just one of the responsibilities of government, just an ordinary part of government. Therefore, the parliamentary budget bills are all captured by section 5A of the Constitution Act. I will read onto the record the alternate conclusion, which is one I endorse. It is supported by the PAC, by the practice in this House and by the practice in the Senate. Page 22 of the Public Accountability Committee report states:

2.72 The Committee notes that certain authorities question the validity of this approach.

That was the approach of Mr Sexton and Mr Mason. It goes on:

*New South Wales Legislative Council Practice* cites various legal bases for arguing that the Legislature is not an instrument of the government and that the government does not provide services through the Legislature. Of note, it cites the adoption by the Parliament in 1993 of section 24B(3) of the *Constitution Act 1902*, concerning the early dissolution of the Legislative Assembly, which specifically carves out from its operation a bill which 'appropriates revenue or moneys for the Legislature only'. Rather it argues that the precise meaning of the phrase 'ordinary annual services of the Government' must be understood in the context of the constitutional settlement of 1933, when sections 5A and 5B were inserted into the *Constitution Act 1902* after approval by the electors at a referendum to address deadlocks between the Houses.

2.73 *Oggers Australian Senate Practice* concisely states in relation to the federal Appropriations (Parliamentary Departments) Bill that 'As this bill is not for the ordinary annual services of the government it is amendable by the Senate'.

2.74 Ultimately, the Assembly, on division, disagreed to the Council amendments and returned the following message to the Council ...

I seek an extension of time.

**Leave granted.**

Pages 27 and 28 of the report state:

2.91 The Committee notes that the Legislative Council attempted in part to address these issues and recommendations—

being the tension between this House and the other House about the funding of oversight bodies in particular—

in relation to the funding of the Parliament through the adoption on 24 November 2020 of an amendment to the Appropriation (Parliament) Bill 2020. It regrets that the Legislative Assembly chose not to support this amendment, and resolved that the bill, without the Council's amendment, be presented to the Governor for assent purportedly pursuant to section 5A of the *Constitution Act 1902*.

2.92 To prevent such disagreement between the Houses in the future, the committee reiterates its belief that the government should adopt in the Appropriation (Parliament) Bill 2021 a funding model for the Parliament, together with the independent oversight bodies, which recognises their independence of government and provides an appropriate role for the Parliament in determining the funding of both the Parliament and the independent oversight bodies.

2.93 The committee believes that its recommendations provide a path for reform which will enhance transparency in funding decisions, better align the budget process with fundamental constitutional principles and ensure accountability in the expenditure of public funds.

2.94 In the absence of such an approach it is likely the constitutional limit on the Legislative Assembly to present budget bills to the Governor other than for the ordinary annual services of the Government without amendments adopted by the Legislative Council will need to be separately tested. It would of course be preferable for these matters to be determined by political consensus, centred on the need for the Parliament and critical state oversight bodies to be financially independent, than by judicial determination.

I associate myself with the conclusions of the committee. I believe that they address squarely the issues raised in this motion. For that reason I indicate not only my support for the motion moved by the Leader of the Opposition but also the support of The Greens. Members should reach a political consensus on this matter and not allow it to descend to be tested in the courts.

**The Hon. JOHN GRAHAM (15:52):** I will not repeat the legal issues around this motion, as they have been well canvassed, but I will say that I concur with the views of the Leader of the Opposition and the shadow Attorney General, the member for Liverpool. The position of the Leader of the Government is different to the one

expressed by the Treasurer in the other place. He outlined not only a view that the hands of the upper House were tied but also that the hands of the Legislative Assembly might be tied with regard to this matter. He put forward a very radical doctrine about the power of the Executive:

In summary, sections 5, 5A and 46 of the Constitution Act make it clear that the Legislative Council has absolutely no power to amend the bill and this House has no power to consent to the Legislative Council's unlawful amendments.

The hands of both Houses are tied in this instance. That is quite a radical position put forward by the Treasurer. It is a pro-Executive position that is much stronger than the view the Government has expressed previously in this Chamber and should be of concern to members. Opposition members propose an alternative view. We agree with the findings of the Public Accountability Committee that integrity agencies form a different part of government. This is different to the historical view in New South Wales and is perhaps different to the view that Labor might have taken previously in government.

The Government should not misunderstand how significant that shift is. Opposition members accept the principle that integrity agencies are a distinctive part of government. They are different to the Parliament, the Executive, the courts and the media—they have a separate role. We are prepared to deal with the ICAC, the Audit Office of New South Wales, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission slightly differently. The fact that we are taking that position is quite significant. I will deal with some of the political questions the Treasurer raised. He said:

... this is clearly a stunt. The Labor amendment deals with only ICAC.

He went on to say that it would have been more serious if we had dealt with the other agencies.

**Mr David Shoebridge:** It was even more shameful because it was a Greens amendment.

**The Hon. JOHN GRAHAM:** That is a real misunderstanding of the position. Firstly, it was a Greens amendment. Secondly, the Opposition supported a more restricted amendment to narrow the issues because this is a shift in the way that the Houses deal with them. It was not a broad assault on the principles; it was a narrow but important question about the long-term funding of the ICAC. Finally, I refer to the final comment from the Treasurer, which highlights something that members might want to take into consideration as they consider this motion. He said about this House:

They cannot make amendments and they should learn their place.

I think the Treasurer may find that the House takes a different view.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:56):** There is clearly a difference in legal opinion on this issue. I will not canvass that difference, but it is important to highlight the practical reasons for it and how Treasury operates. Treasury has an important role to play in the allocation of funds for government services, including the funding of the Legislature and the independent agencies. I note the concession made by the Hon. John Graham that the independent agencies are not part of the parliamentary services, and the stunt from the Opposition—to the extent that it was a stunt—was to include them in the parliamentary services bill. In any event, the concession is that the independent agencies are not part of the parliamentary services.

In practice, Treasury receives budget submissions from the Legislature, apart from the constraints of the usual cluster processes. It receives budget submissions from all agencies, including the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Electoral Commission and the NSW Ombudsman. The Treasury and the Treasurer's office then work with the CEOs and CFOs of all the independent agencies and the Presiding Officers of this place to work through the budget process to make funding decisions. For example, ICAC has received supplementary funding over the past 10 years as a result of making submissions. That included \$2.5 million for the 2019-20 financial year to ensure adequate resourcing of its operations.

During the consideration in detail stage of the Appropriation (Parliament) Bill 2020, the Treasurer said that the Government writes the budget, which is a point that underpins why section 5A exists. The Government does this by receiving advice relating to the complex business processes, using hundreds of Treasury staff and hundreds of additional employees from across government. As soon as we start throwing in additional one-off payments and adding extra expenditure lines, it affects the integrity of the whole project. If a particular party in this place—whether it is The Greens, One Nation or Labor—makes amendments to the budgetary process, they will bypass the complex process of creating a budget. The Treasurer was right: The Government writes the budget—not The Greens, not Labor and not One Nation in this place. That is why section 5A is so important and why this process is such an important component of making sure that the Legislature controlled by the Treasury has the right only to make amendments to appropriation bills.



**The Hon. ADAM SEARLE (15:59):** In reply: I thank all honourable members for their contributions. Obviously, the battle lines are clearly drawn. I draw attention to this: The Government appears to be asserting not just that the lower House has the undoubted right to initiate money bills, which we do not cavil with, but also that this House has no right to make any amendments. The practice manual for this House discusses an advice from Jeff Shaw, QC—as he then was—which says that, yes, appropriation bills may have to commence in the Legislative Assembly, but they can be subject to amendment in this House if they come within the category of section 5B. I take the point raised by the Leader of the House that section 5A is a very important provision in the Constitution Act. It just means that the line has to be drawn very carefully and construed strictly to cover only matters that are properly caught within it. The opinion of the current Solicitor-General and the Crown Solicitor rests on an earlier Crown advice from Sir Kenneth Bailey, QC, Solicitor-General of Australia, who said this:

In my opinion, ... the ordinary annual services of the government should be taken to be those services provided or maintained within any year which the Government may, in light of its powers and authority, reasonably be expected to provide or maintain as the occasion requires through the Departments of the Public Service and State agencies and instrumentalities.

That advice was given in 1948. Leaving aside the independent bodies such as ICAC, if the Legislature ever was regarded just as an ordinary instrumentality of government, evolving parliamentary law and practice in this State—and this Chamber clearly demonstrates that it is no longer such—then the practice that we are debating needs to evolve as well. Members should be also aware that arising from the Senate practice, where parliamentary appropriations are not regarded as falling within the term that is found in section 5A, in 2010 a select committee of this House recommended that the Legislative Council should consider passing a resolution similar to the Senate resolution concerning its understanding of what constitutes an appropriation bill for the ordinary annual services of the Government. This House has not done so. In my view, it ought to do so and this is a first step.

Bret Walker, SC, says the funding model for ICAC and similar bodies is unlawful and we need to review it. If that is the case—and I accept the advice from Bret Walker—the funding model for the Parliament is doubly so. To take the point raised, the funding through the Parliament for the ICAC was appropriate because the ICAC and, indeed, the other oversight bodies have a function of reporting to the community through the Parliament. It was funding those operations consistent with those parliamentary obligations that made what this House did legitimate and appropriate. The House should insist upon the course of action that it took in November as being correct.

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

**The House divided.**

Ayes .....24  
 Noes .....17  
 Majority.....7

**AYES**

Banasiak	Graham	Pearson
Borsak	Houssos	Primrose
Boyd	Hurst	Roberts
Buttigieg (teller)	Jackson	Searle
D'Adam (teller)	Latham	Secord
Donnelly	Mookhey	Sharpe
Faehrmann	Moriarty	Shoebridge
Field	Moselmane	Veitch

**NOES**

Amato	Harwin	Mitchell
Cusack	Khan	Nile
Fang	Maclaren-Jones (teller)	Taylor
Farlow	Mallard	Tudehope
Farraway (teller)	Martin	Ward
Franklin	Mason-Cox	

**Motion agreed to.**

*Bills***PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL 2021****First Reading**

**Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Damien Tudehope, on behalf of the Hon. Bronnie Taylor.**

**The Hon. DAMIEN TUDEHOPE:** On behalf of the Hon. Bronnie Taylor: I move:

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

**Motion agreed to.**

**The Hon. DAMIEN TUDEHOPE:** On behalf of the Hon. Bronnie Taylor: I move:

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

**Motion agreed to.**

*Motions***SURF LIFE SAVING NSW AWARDS OF EXCELLENCE**

**The Hon. TAYLOR MARTIN (16:14):** I move:

- (1) That this House notes that:
  - (a) on 29 August 2020, the 2020 Surf Life Saving NSW Awards of Excellence were held;
  - (b) the awards were presented online due to the COVID-19 pandemic restrictions;
  - (c) the awards recognise members of the 129 Surf Life Saving clubs and support operations that have excelled in junior development, surf lifesaving, education, surf sports and support operations; and
  - (d) the following awards were presented:
    - (i) Surf Lifesaver of the Year: Tony Worton (Camden-Haven);
    - (ii) Youth Surf Lifesaver of the Year: Kai Darwin (Umina);
    - (iii) Volunteer of the Year: Debbie Booth (Tea Gardens-Hawks Nest);
    - (iv) Youth Volunteer of the Year: Trae Hare-Boyd (North Steyne);
    - (v) Club of the Year: Umina;
    - (vi) Branch of the Year: Central Coast;
    - (vii) Patrol Captain of the Year: David Winner (Coalcliff);
    - (viii) Patrol of the Year: Patrol 5, Umina;
    - (ix) Administrator of the Year: John Eyles (Woolgoolga);
    - (x) Services Team of the Year: Batemans Bay SLSC Bushfire Response Team;
    - (xi) Athlete of the Year: James Koch (Shelly Beach);
    - (xii) Youth Athlete of the Year: Noah Steiner (Wanda);
    - (xiii) Masters Athlete of the Year: Paul Lemmon (Terrigal);
    - (xiv) Surf Sports Team of the Year: Bulli SLSC Open Men's Boat Crew;
    - (xv) Coach of the Year: Steve Monaghan (Wauchope-Bonny Hills);
    - (xvi) Official of the Year: Debbie Pawsey (Evans Head-Casino);
    - (xvii) Trainer of the Year: (Doug Hawkins (Coogee);
    - (xviii) Assessor of the Year: Joe Mastrangelo (North Steyne);
    - (xix) Facilitator of the Year: Gail Henderson (Redhead);
    - (xx) Community Education Program of the Year: The Gaza Surf Life Saving Project (North Steyne);
    - (xxi) Innovation Award: Australian Defence Force Pilot Bronze Medallion Course (North Bondi);
    - (xxii) Lifeguard of the Year: William Vaughan-Smith (Bega Valley Shire Council); and
    - (xxiii) Rescue of the Year: Bronte.
- (2) That this House congratulates:

- (a) award recipients for their dedication and commitment to the community and the safety of New South Wales' beaches; and
- (b) Surf Life Saving NSW, its 76,000 members, and Surf Life Saving clubs for a successful 2019-20 season.

On 29 August 2020 Surf Life Saving NSW held its annual Awards of Excellence. The awards recognise the invaluable contributions made by members, clubs and branches to keep the public safe on New South Wales beaches and to celebrate our most outstanding surf lifesavers, administrators, educators and athletes. Like many things in 2020, the awards were unable to go ahead in person. Instead, they were presented online for the first time as a result of the COVID-19 pandemic. I recognise the members and clubs that received awards. Branch of the Year was awarded to the Central Coast. This branch received the award for a number of initiatives, including its education program that is made available to 16,000 students, and its legal service to member clubs. The branch had a successful season, with no lives lost and more than 500 preventative actions taken. It was also recognised that of the 23 awards on the evening, more than a quarter were awarded to clubs and members from the Central Coast. Club of the Year was Umina Surf Club.

**The Hon. Don Harwin:** Hear, hear!

**The Hon. TAYLOR MARTIN:** I acknowledge the interjection from the Leader of the Government. It is his local beach, around the corner from Pearl Beach. In the 2019-20 season the club had a membership increase of 26 per cent, as well as a massive increase in preventative actions. Umina was also recognised for its plans for continuous improvement year after year. Kai Darwin from Umina Surf Club was also awarded Youth Surf Lifesaver of the Year. Kai was selected as he shows great commitment as a lifesaver. Despite his young age, he has already exceeded 500 volunteer hours as a lifesaver. He was also the club's Deputy Director of Lifesaving and developed protocols for the management of first aid equipment, radios and COVID-19.

The third award received by Umina Surf Club was Patrol of the Year, which went to Patrol 5. This season that patrol placed a special focus on member welfare, rookie mentoring and youth participation, as well as supporting other patrols and club activities. Volunteer of the Year was awarded to Debbie Booth from Tea Gardens-Hawks Nest Surf Life Saving Club. Debbie was recognised for her contribution to her club and the Hunter branch. Debbie dedicates countless hours to the education of members, delivering courses. This season also saw Debbie mentor all the branch's trainers, assessors and facilitators through the introduction of the new online Surf Life Saving Australia Bronze Medallion program.

North Steyne Surf Life Saving Club was extremely successful, receiving three awards on the night. Youth Volunteer of the Year was awarded to Trae Hare-Boyd. During the 2019-20 season Trae was the club's chief training officer. In this role he is involved in training bronze medallion squads. Assessor of the Year was awarded to Joe Mastrangelo from North Steyne. Joe is passionate about sharing knowledge, resources and advice and is a valued mentor to probationary assessors. Joe believes that an assessment is not for retraining; it ensures that fairness and ample assessment opportunities are given, without simply handing out an award. They are effectively assessing hundreds of candidates across the branch each season.

The third award for North Steyne Surf Life Saving Club was for the Community Education Program of the Year. The club's Gaza Surf Life Saving Program aims to establish a surf lifesaving club on Gaza Beach, Palestine. For three years North Steyne Surf Life Saving Club has brought two people from Gaza to Australia for surf lifesaving education and training. The role was to provide an intensive, comprehensive, month-long program to teach surf lifesaving, with a focus on how to run a Nippers program. The goal is for participants to take their skills back to Gaza and to assist up to 100 children participate in Nippers.

Athlete of the Year went to James Koch from Shelly Beach. James commenced last season being selected in the Australian Life Saving Team Pathways squad, with a view to representation at the 2022 world championships. Some of James's achievements last year included the New South Wales and Australian team selection; an individual Australian record and part of a world record relay; multiple medals at the New South Wales, Australian, New Zealand, Germany and The Netherlands pool rescue championships; and three gold medals at the NSW Surf Life Saving titles.

Youth Athlete of the Year went to Noah Steiner of Wanda Surf Club. In the previous year Noah won five gold and two silver medals in a range of events, including ironman, Taplin, board, ski and surf races at the New South Wales championships. Masters Athlete of the Year was awarded to Paul Lemmon from my club: Terrigal Surf Life Saving Club. This was the tenth consecutive year that Paul had received the award. This past year he achieved five State titles in individual and team events, in addition to medals at the national championships. Surf Sports Team of the Year went to Bulli SLSC for their unrivalled open men's surf boat crew, which represented Australia last year in the trans-Tasman test series at the 2020 Australian Surf Rowers League Championships. The team won three out three, which contributed to Australia's overall victory.

Facilitator of the Year went to Gail Henderson from Redhead Beach. Gail is the facilitator for first aid within the Hunter branch. She was also involved in the branch's pilot Surf Rescue Certificate program. Coach of the Year was awarded to Steve Monaghan from Wauchope-Bonny Hills Surf Life Saving Club. His passion is surf boats and his guidance and mentoring has shown some very strong results for the mid North Coast branch and the Wauchope-Bonny Hills Surf Club. Official of the Year went to Debbie Pawsey from Evans Head-Casino Surf Life Saving Club. Debbie has been an official at branch, State and national events for more than 20 years. Also, 2020 marked Debbie's second year as the carnival referee of the NSW Country Championships.

Trainer of the Year went to Doug Hawkins from Coogee Surf Club. Doug was nominated by his club because each year he inspires hundreds of nippers and surf lifesavers within his club and also nearby clubs. Patrol Captain of the Year was awarded to David Winner from Coalcliff Surf Club. David has been a member of Coalcliff Surf Club for over 40 years and has been a patrol captain for 12 years in total. David was recognised for his long service but also as a mentor, educator and champion of women's participation in the surf lifesaving movement. Administrator of the Year went to John Eyles of Woolgoolga. His actions as an administrator this year have benefited not only the club but also the wider community. John is a long-serving member and has been a director of the club's finances for the past 25 years. He is an active patrol captain and mentor for many in the club.

The Innovation Award was received by North Bondi for the Australian Defence Force Pilot Bronze Medallion course. With the average Australian Defence Force [ADF] career lasting just seven years, about 5,500 people leave the armed forces every year and face challenges returning to everyday life, adapting their unique skills from the ADF and using them to their full potential in civilian life. Not surprisingly, many encounter mental health issues following their transition. The program at North Bondi was an Australian surf lifesaving first, with a specially designed pilot program to help fast-track ADF members in gaining their bronze medallion. The program was a success, with three members completing their bronze medallion in that program.

The prestigious Surf Lifesaver of the Year Award was taken out by Tony Worton from the Camden-Haven Surf Lifesaving Club. This was a well-deserved award for Tony, who fills the positions of director of lifesaving and club captain. Tony is also a member of the club's emergency callout team and has been involved in significant rescues. In 2017 he received a meritorious award from Surf Life Saving Australia for a rescue that saved the life of a swimmer. In addition, he is extremely generous with his time—having volunteered an incredible 700 hours over the previous five years.

Rescue of the Year was won by off-duty lifesavers James and Kirsty McLennan. They were at their home at Bronte Beach in the evening when they noticed a large group of people caught in the notorious Bronte Beach rip. The swimmers were in considerable distress and were being swept quickly out to sea. James and Kristy sent a WhatsApp message to some fellow lifesavers asking for help and asked some bystanders to call 000, while James grabbed a board from the club and paddled out through the rip to rescue the swimmers, who were now more than 250 metres from the beach. After James reached the swimmers caught in the rip, he realised there were actually nine people in the group—not the six he first thought. He began coordinating Kirsty and the other lifesavers to return the swimmers, one at a time, to the beach. One guy was in severe trouble. He had ingested a lot of water and was drifting in and out of consciousness. He was frothing at the mouth and James had to clear his airway several times while paddling him back to the beach on his board.

Due to the efforts of James and Kristy as well as other off duty lifesavers, lifeguards, paramedics, police and even the Toll Ambulance Rescue service, all nine of the swimmers that were rescued from the rip by surf lifesavers were brought back safely to Bronte Beach for assessment and treatment. That is what it is about for thousands of volunteers across New South Wales, and for incidents like that it makes all the difference to people's lives. The final award was the Services Team of the Year, which went to the Batemans Bay Surf Lifesaving Club Bushfire Response Team. We are all well aware of the tragedy that occurred on the South Coast on New Year's Eve last year, but to hear the account from the surf lifesavers that day was incredible. I share some of the words of club captain Anthony Bellette:

I had a look at the wind direction and it was then that I thought this could get real. It was at that point that I sent a message to our call out team asking for them to come to the club because I thought we could become an evacuation point. Straight away we had cars pulling up to the surf club. We had too many cars in the car park so we distributed high-vis vests and club radios and started trying to control the traffic. Soon we had hundreds of cars overflowing into the park opposite the club.

I sent a message to some clubbies who were on their way and asked them to get food and water for 500 people. They said "How do we cater for 500 people?" I said "We're going to need everything! We're going to need nappies, baby wipes—everything! As more people started arriving, we ushered them into the club. We printed registration forms and by the end of the day we had 1,270 people registered and accounted for as safe.

The smoke started to get thick before the fires arrived and people started having respiratory problems. I put the call in to the local chemist requesting Ventolin puffers. They said take 10 and bring back what you don't use. As spot fires started approaching we could see the houses across the bay lighting up. I spoke to the team and we decided that the surf club might not be the safest place to stay. So we moved everyone down onto the beach. All the guys did an awesome job getting people down there and keeping them calm.

We organised our buggy to collect people in the streets who couldn't get to the club—elderly people. We had the police jump in the buggy with us and tell people to evacuate who were trying to defend their homes with hoses. We had 12 clubbies helping us on the day. We made an announcement asking for help and other volunteers jumped on board to help including three nurses and a doctor. We had to evacuate a guy having severe respiratory problems. We got him into a police car and a club member accompanied him all the way to the hospital while giving him oxygen therapy.

At 10.00 p.m. we established an overnight rostering system. Our members slept for three hours then came back on duty for three hours. We even had two people rostered on the roof spotting fires. The next morning when we woke up the local butcher brought 50 kilograms of meat and we got the BBQ started up and began cooking! Everyone was given breakfast.

I congratulate the team on their bravery, leadership and community spirit and their recognition with the award. As members are aware, I am a surf lifesaver; I have an appreciation for the dedication shown by all the award winners. I am proud to be part of a Government that is committed to improving rescue resources and facilities for each of the surf lifesaving clubs and volunteers throughout the coastline of New South Wales. This Government is serious about keeping people safe in and on the water and preventing fatal and non-fatal drownings. The Coalition Government has provided \$16 million to Surf Life Saving NSW to deliver new community engagement officers, 10 new emergency response beacons at coastal blackspots and major operational support to the 129 Surf Life Saving NSW clubs, including jetskis, vehicles and equipment. This funding will also support a beach wi-fi trial to better communicate with and educate swimmers, particularly international visitors. This will involve real-time safety alerts, translated into seven different languages.

I also take the opportunity to remind all clubs that applications for the 2020-21 Surf Club Facility Program are now open. The Surf Club Facility Program is part of the New South Wales Government's four-year commitment to support the upgrade of the facilities of local Surf Life Saving Clubs across New South Wales. The program is now in its fourth year. Since 2017-18 the New South Wales Government has invested over \$12 million in surf lifesaving clubs to create fit-for-purpose facilities in local communities to increase participation, access and safety on our beaches. The 2020-21 program will continue to support the construction of new, upgraded and expanded safe and inclusive surf club facilities throughout New South Wales.

On Australia Day I was at Stockton Surf Life Saving Club to celebrate the upgrade of its facilities—jointly funded by the club, sponsors and the New South Wales Government with a \$216,000 grant from the Surf Club Facility Program—which included an upgrade to the toilets and change facilities on the lower level to improve accessibility for all, with the installation of new toilets and partitions and the retiling of the shower area. Other works included replacing the aged timber flooring in the hall, kitchen and bar areas, and new windows and stacker sliding doors on the balcony to replace the existing aged and faulty timber doors and double-hung windows throughout the building. The kitchen was replaced with new cabinetry and cooking facilities that have brought the entire building up to code. Electronic building access and a CCTV security system were installed to improve safety and security. Finally, an underutilised section of the hall was transformed into an education space to provide an appropriate environment for training to be delivered to club members and facilitates community meetings.

We are already four months into the 2020-21 season, with the flags raised at beaches right along the New South Wales coast. I thank the 76,000 members of the surf lifesaving clubs up and down the New South Wales coastline, particularly those that participate in patrols to ensure the safety of our beaches. I congratulate all the award winners and look forward to 2021 when, I hope, we are back to normal and award winners can be recognised in person.

**The Hon. JOHN GRAHAM (16:30):** On behalf of the Opposition I support the motion. I thank the Hon. Taylor Martin for bringing it before the House and for the vivid descriptions he gave of the work of club members as they go about their business. It is a reminder of what a remarkable State and country we live in, with its beaches and its bush. Of course our community also lives with the risk of drownings and bushfires. Community volunteer organisations are a crucial part of how we cope with that over the course of a year—and none more so than surf lifesaving clubs. I also recognise the 76,000 members of 129 clubs across the State. We join the Government in recognising the achievements of those members, clubs and award winners.

Recently we passed the halfway point of this surf lifesaving season. There really has not been one like it. We have had hotter than average temperatures and more Australians holidaying at home than ever. Those facts have seen people flock to the beach, which has made the job of those club members harder and more important than ever. They took up the challenge despite many of the community aspects they faced with an ordinary season being on hold—for example, gatherings have been limited, the intake for nippers has also been limited and social activities have been reduced. Members of surf lifesaving clubs have carried on regardless. Last year there were 49 coastal and ocean drowning deaths in New South Wales, which was well above the 16-year average of 42 deaths. It is a reminder of just how dangerous those beautiful beaches can be but also of the valuable work of surf lifesaving clubs. I thank the member for his motion, and all of those clubs and their members. I congratulate the award winners and commend the motion to the House.

**The Hon. ROD ROBERTS (16:33):** I commend the member for bringing this motion before the House. I expected to be sitting in the chair so I have not prepared anything but the key thing to be remembered is that those men and women are volunteers. They give up their time to look after the rest of us in society. Not only do they give up their time but they place themselves in danger. They give up any thought of self-preservation to help their fellow man. For that reason, I commend the work of Surf Life Saving NSW and its volunteer members.

**The Hon. SCOTT FARLOW (16:34):** I support the motion moved by the Parliamentary Secretary for the Hunter and Cost of Living. I congratulate the Hon. Taylor Martin on bringing the motion to the House. I know his affinity for surf lifesaving as a patrolman on Terrigal Beach. I know also the good work he does there and his affinity with local lifesaving groups. With over 76,000 members at 129 clubs, ranging from Fingal Beach in the north to Pambula in the south, surf lifesaving clubs and their members demonstrate the amazing contribution of volunteers to protecting people on the beaches we all cherish and enjoy in this State.

Surf lifesaving is an important and uniquely Australian thing we have exported to the world. On two expeditions overseas I have been fortunate enough to come across some people doing wonderful things to take Australian volunteer surf lifesaving global. Nippers are now running along the beaches of Tel Aviv in Israel. When I was part of the Australia India Youth Dialogue the group before mine had taken surf lifesaving to Goa in India. That was done to stop the amount of drownings on its coast. In New South Wales and Australia we can be very proud of what surf lifesaving is doing not only on the beaches of our coast but also in exporting this fantastic volunteer model that protects and serves our community.

The Surf Life Saving NSW 2020 Awards of Excellence recognised the contribution of members, clubs and branches and honoured the outstanding achievements of members who work tirelessly to keep us all safe at the beach. As the Hon. John Graham reflected in his contribution, many of us went to the beach over summer across New South Wales—probably more people than had been at beaches in many a year. We are all grateful for the work of surf lifesavers who are patrolling our beaches and are sure to swim safely between the red and yellow flags—recently my son got very worked up when we briefly moved out from between the red and yellow flags.

It is great to be surf smart and cautious on our beaches across New South Wales. All members know, as we have heard in motions moved in this Chamber this week, the tragedy of drowning and the impact that can have on lives and families. It is important that we continue to ensure that people are educated on proper behaviour on our beaches and acknowledge the contribution of surf lifesavers throughout New South Wales. I am sure all members will join me in supporting the Hon. Taylor Martin's motion. I thank all of our surf lifesavers across New South Wales.

**The Hon. BEN FRANKLIN (16:37):** I make a brief contribution to debate on this important and excellent motion. On numerous occasions I have spoken about surf lifesaving in this place. I am a passionate supporter of it. Surf lifesavers are critical not only to the people of coastal New South Wales but to all people in the State. It is particularly so for those who may not be as experienced in the water; they might come from an area that does not have access to the water. That shows the critical importance of our surf lifesavers. I am thrilled that my friend the Hon Taylor Martin has moved this motion, and I have also put forward motions about the Far North Coast. I know of his absolute passion for the Central Coast and the Hunter. Today I place on record my genuine delight at his promotion to the role of Parliamentary Secretary for the Hunter and Cost of Living. He will do an outstanding job and I believe he will go a long, long way in this place and in the Government of this State. This is just the beginning for him.

I am delighted to once again talk about these awards and to congratulate all State finalists and award winners. These awards were held online due to COVID-19, as were the Surf Life Saving Far North Coast awards, the virtual ceremony of which I was very proud to be involved with. I acknowledge and thank Surf Live Saving NSW and all of the clubs for the way they have adapted to the changes COVID-19 has forced upon us. Obviously it has not been easy to completely alter the way we all share and celebrate achievements. It is a testament to Surf Life Saving NSW and its CEO Steven Pearce—who is doing an excellent job—that they have made online award ceremonies meaningful and have maintained the tradition of celebrating the outstanding efforts of surf lifesavers across New South Wales. These awards brought together the best of the best in New South Wales and recognised the achievements of 23 dedicated surf lifesavers and all of those behind them whom they represent.

I join the Hon. Taylor Martin, no doubt along with all members of this House, in congratulating all of those winners. However, I draw attention to one. I offer heartfelt and sincere congratulations to Debbie Pawsey, who is a member in the Evans Head-Casino branch based on the Far North Coast. Debbie was awarded Official of the Year in the Far North Coast Awards of Excellence and has now also taken out the State title for this award. It is a great achievement and I am thrilled that such a role model like Debbie is based on the Northern Rivers and is inspiring local clubs all along the coast to keep up their excellent work. Debbie has been a critical part of the work of Surf Life Saving Far North Coast, alongside president Wilson Cregan and so many others. It is well known that

in some voluntary organisations it is the work of a very small number of people who keep them powering along. Debbie is absolutely one of those people.

I have been privileged in my role as an MLC based in northern New South Wales to work with members from across the 10 clubs in the Northern Rivers and North Coast, and each one is so genuinely committed to the important role they play in their community. This was exemplified on Australia Day in the Ballina Citizen of the Year Awards when long-term president of the Lennox Head-Alstonville Surf Life Saving Club Geoff Harris and long-term secretary John Beasley were awarded joint Senior Citizens of the Year for their extraordinary work for that club. Those gentlemen are incredible ambassadors for their community. They selflessly put in many hours without expecting thanks or reward just because they know it is the right thing to do. Those two men, like the others acknowledged by the Hon. Taylor Martin, are representative of thousands of volunteers across New South Wales.

Since surf lifesaving began in Australia in 1907, in Sydney, volunteers have been charged with keeping beachgoers safe. That is not an easy responsibility. They often put themselves in dangerous situations to rescue others and are always ready to do whatever it takes to help save lives. Surf lifesaving clubs across New South Wales play an integral role in coastal regions and offer members of all ages the chance to be a part of a great team and a leader in their own right in their communities. I thank every member of the 129 surf lifesaving clubs across New South Wales for their unwavering commitment to making our coastal communities an extraordinary place in which to live. I once again congratulate the winners of the 2020 Surf Life Saving Awards of Excellence.

**Reverend the Hon. FRED NILE (16:42):** I congratulate the Hon. Taylor Martin on his motion. Surf Life Saving NSW Awards of Excellence were presented to 23 outstanding individuals, both male and female, young and old, in this State. I fully support the motion, which states in part:

- (2) That this House congratulates:
  - (a) award recipients for their dedication and commitment to the community and the safety of New South Wales beaches; and
  - (b) Surf Life Saving NSW, its 76,000 members, and Surf Life Saving clubs for a successful 2019-20 season.

We look forward to even better things happening in the future.

**The Hon. LOU AMATO (16:43):** My contribution will be brief. I thank the Hon. Taylor Martin for his important motion. New South Wales boasts some of the finest surf beaches in the world and are a great source of enjoyment for the community. Sadly, our surf beaches can be dangerous places and we all too often hear the stories of lives being lost to drownings and shark attacks. Surf Life Saving NSW is one of our most respected community groups. Volunteers give up their time and resources to patrol our beaches and mitigate the dangers of a day at the beach.

Our surf lifesaving volunteers undergo extensive training in surf rescue and resuscitation. Vigilantly they monitor surf conditions, check for rips and are on the lookout for sharks. They provide us with a safe area in which to enjoy the surf and are at the ready to offer assistance to anyone who finds themselves in difficulty. They are ready to administer resuscitation to save the life of anyone who unfortunately experiences drowning. They provide first aid and pain relief for bluebottle stings.

Our surf lifesavers are heroes and we give thanks for their service to our community. I am unaware if any statistical data has been compiled on how many lives have been saved by our surf lifesavers. We can only imagine how many people would no longer be with us but for the vigilance of our dedicated lifesavers. I thank the Hon. Taylor Martin for listing the recipients of the 2020 Surf Life Saving New South Wales Awards of Excellence. We acknowledge all our lifesavers for their community service and congratulate all those who went above and beyond the call of duty to become award recipients for their outstanding community service.

**The Hon. MATTHEW MASON-COX (16:45):** I have been inspired by my colleagues to also pay tribute to surf lifesavers in our wonderful State of New South Wales and to acknowledge those who recently received awards on the night of nights. I compliment the newest Parliamentary Secretary of the Government, who looks like a robust and strutting lifesaver. Indeed, might I say that he is more well-conditioned than are most of us—and I would be first and foremost in that group. I congratulate the Hon. Taylor Martin on his appointment as Parliamentary Secretary. His appointment is a tribute to the hard work he has done across the State, particularly in the Central Coast and Hunter area. I foresee a very bright future ahead. He will not just be strutting along the beaches of this great State but along the corridors of power as well.

I wish to reflect not only on the wonderful surf lifesavers along the New South Wales coast but also on the risk of swimming in inland rivers. I spent part of my youth in the wonderful city of Wagga Wagga and know well the dangers of the Wagga Wagga beach and the five o'clock wave—that is well known among the locals. I can say that because of those peculiar local conditions and the coldness of the water, there are very serious risks in

inland rivers where locals are always on the lookout for people in trouble. I have mentioned it in passing to one or two surf lifesavers. Perhaps we should be more vigilant about that and perhaps over time more resources could be directed to lifesaving in inland rivers. But that is another story.

Today we are focusing on the motion before the House that acknowledges people for their efforts. In particular I mention the Lifeguard of the Year, Mr William Vaughan-Smith, from the Bega Valley Shire Council. Over the summer break I spent some time in Merimbula, which is one of the fairest seaside towns in the Bega shire. Every day I went to the beach I walked past the lifesavers who watch over families on the beach. They are on patrol from 8.00 a.m. until 5.00 p.m., they write the beach conditions on a board and they put the flags out. The vigilance of lifeguards is a wonderful Australian tradition, which is very important for the safety of families along the entire New South Wales coastline.

Every day I went to the beach with my family I would say hello to the surf lifesavers and asked them how things were going. I encouraged my children to have a chat to them about surf conditions—what they do and how they look after people on the beach. It is a type of one-on-one education about people doing everyday things on the beaches of New South Wales, which is really important and worth reflecting on. I conclude by again congratulating our newest Parliamentary Secretary. I strongly support the motion.

**The Hon. TAYLOR MARTIN (16:49):** In reply: The Hon. Matthew Mason-Cox mentioned encouraging children to talk to lifesavers as they are walking past them on the beach. I notice when I am on patrol that people are happy to come and have a chat. That can be very informative because not only the patrol captain but the patrol as a whole assesses the conditions and knows what is happening—such as whether the tide is coming in or going out or whether there are blue bottles and various other dangers lurking on or off the beach. I thank members who have taken the time to acknowledge our State's volunteer lifesavers whether or not they received awards. I thank the Hon. John Graham, the Hon. Ben Franklin, the Hon. Scott Farlow, Reverend the Hon. Fred Nile, the Hon. Rod Roberts, the Hon. Lou Amato and the Hon. Matthew Mason-Cox for their contributions to the debate today.

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

**Motion agreed to.**

#### *Documents*

### **REINVEST TRIAL**

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

**Ms ABIGAIL BOYD:** I move:

That private members' business item No. 997 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms ABIGAIL BOYD (16:51):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 July 2017, in electronic format if possible, in the possession, custody or control of Attorney General and Minister for the Prevention of Domestic Violence; Minister for Families, Communities and Disability Services; Minister for Counter Terrorism and Corrections; or the Department of Communities and Justice relating to the ReINVEST trial led by the Kirby Institute at the University of New South Wales:

- (a) all documents relating to the application, assessment or approval of funding under the ReINVEST trial, including the reporting of outcomes and acquittal of funds;
- (b) all documents relating to meetings with or related to Professor Tony Butler or Lee Knight;
- (c) all documents relating to the funding of the ReINVEST trial and any other trials or projects related to the ReINVEST trial, Professor Tony Butler or Lee Knight; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

We hear some extraordinary things as an MP in this place. But this ReINVEST trial, and the Government's funding of it, is on a whole new level. We are talking about a multimillion-dollar clinical trial to assess whether a common antidepressant could help to reduce reoffending rates and the "impulsivity" of perpetrators of domestic violence. Headed up by the Kirby Institute, the trial makes purported claims of all kinds of success. But if we scratch the surface, we start to see that what is happening here is, at best, ineffective and unethical and, at worst, life threatening. Let us not even talk about the premise that perpetrators can be given a pill and all of the underlying issues leading to abusers committing domestic violence will magically go away. We really get to the gobsmackingly unethical nature of this trial when we examine its methodology.



The trial recruits men who have been found guilty of a domestic violence offence and offers them a starter dose of sertraline, a common antidepressant, generally known as Zoloft. Anyone who has been on sertraline knows well that the 50 milligram initial dose will ordinarily be raised to a therapeutic dose within the first few months under medical supervision, noting that it takes months for sertraline to have any substantial effect. But in this trial these men, who have already been found guilty of domestic violence, are given this non-therapeutic dose of sertraline and then—wait for it—are asked to self-report how impulsive they feel. They do not ask the victim-survivors whether they have been hit again; they do not back up the self-reporting with any independent source. In their words, they just rely "on the honest self-report" of known abusers during a weekly phone call.

There is no proper control group, no evidence that the participants actually took the medication and only three months of data. The findings are based on a pilot program involving only 34 participants—14 of whom dropped out and were then excluded from the final reporting statistics, thereby biasing the results due to non-compliance. This study has none of the scientific rigour of a randomised control trial, as would be expected from a government-funded study. It is, at best, a short-term pilot cohort study: the fourth level of evidence on the internationally recognised scale of evidence for intervention studies—or it would be if it were well designed, but it is not. Sertraline is the subject of numerous side-effect warnings. In 2016 Bielefeldt and others conducted a systematic review—the highest level of evidence—of suicide and violent behaviours in those taking antidepressants, including sertraline. They concluded that antidepressants double the occurrence of events that can lead to suicide and violence.

Dr David Healy has been warning about the links between sertraline and violence for more than a decade. In 2018 he and his colleagues published, among other cases, three cases of sertraline noted by the courts as contributing to homicide. Since 2006 Dr Healy has been reporting that antidepressant-induced restlessness, agitation, inability to keep still, emotional disinhibition, emotional blunting and manic or psychiatric reactions lead to violence. It should come as no surprise that the partners of trial participants are reporting that this trial is being used by perpetrators to justify their violent behaviours, increase coercive control and gain access to their children. In one deeply troubling account, a woman reports that her partner beat their child while using the study as a way of gaining access and avoiding consequences for his actions. She does not have a trial contact to seek help and she has not been asked about the trial impacts upon her. She has not consented to this trial, and yet it impacts every facet of her life. This research is not even being carried out under the supervision of a psychiatrist.

That sounds really far-fetched, but what is even more far-fetched is that this Liberal-Nationals Government greenlit this trial with \$6.9 million of funding over three years. Let us put that in context. The Trauma Recovery Centre in Wollongong, which provides life-changing, evidence-based treatment and support for women survivors of domestic violence, asked this Government for funding and was given \$50,000. They could run for almost three years on the money that was given to the Kirby Institute. We are constantly told by this Government that there is no money for any of these evidence-based programs that the experts in this area, the frontline workers, the victim-survivors, even the perpetrators, are telling us they urgently need to stop domestic violence. And yet here we have \$6.9 million going to a program that has no hope of producing significant evidence of treatment effect, no proper consent and no proper supervision. It is dangerously unethical and has already led to the perpetration of more violence. With these concerns now out in the open, we have no choice but to demand to see the basis on which this funding was given. Please support this call for papers so we can shine a light on this deeply troubling study.

**The Hon. NATALIE WARD (16:56):** The Government does not oppose the motion.

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

**Motion agreed to.**

## GREGORY HILLS SCHOOLS PROJECT

### Production of Documents: Order

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

That private members' business item No. 1011 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK BUTTIGIEG (16:58):** On behalf of the Hon. Courtney Houssos: I seek leave to amend private members' business item No. 1011 outside the order of precedence for today of which I have given notice by omitting in paragraphs (a) and (b) "relating" and inserting instead "specifically relating".

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2012 in the possession, custody or control of the Department of Education or Minister for Education and Early Childhood Learning relating to the Gregory Hills primary school project:

- (a) all reports, briefings, memorandum, emails, email attachments and correspondence specifically relating the Gregory Hills primary school project;
- (b) all reports, briefings, memorandum, emails, email attachments and correspondence specifically relating to vacant land use, land acquisition, land sale or the relinquishing of land in Gregory Hills and Gledswood Hills; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House. This call for papers is essential as the Government has left the residents of Gregory Hills without a school site. Instead, it is a vacant lot. The Berejiklian Government has refused to provide a time line or a budget for the Gregory Hills public school. That is why the papers are essential. These parents deserve answers now on why the Berejiklian Government has failed to deliver on its promise to them. In June 2020 I visited the Gregory Hills vacant site where the school should now be. Together with my Labor colleagues, we called for the school to be fast-tracked as part of the COVID stimulus, and the Government refused.

At the end of last year, Prue Car and I met with parents from the area who are extremely frustrated that the Liberals are refusing to deliver on their promise to start building the school. At the commencement of this school year, along with Labor leader Jodi McKay and other Labor members, I met again with more local parents. These parents have banded together to call on the Government to build the school as their kids are stuck in overcrowded schools with demountables. We listened as many locals talked about how they had moved into the area because the Government had promised a primary school in Gregory Hills. Parents were told as early as 2012—almost 10 years ago—that a public primary school was to be built there. They thought their children would have access to a new school. The Liberals have not delivered; they promised this new school in 2018 before the election.

This order for papers is needed to obtain full transparency and get the answers that Gregory Hills locals have been looking for. The local member for Camden, Peter Sidgreaves, will not give the people in his electorate answers. He has not provided a time line on when the school will be built or delivered. In fact, the local member said he did not agree that local schools are overcrowded—no problem. That flies in the face of everything we are hearing on the ground from parents and seeing in the area. That shows the Liberal Party is patently out of touch with western Sydney. As the Liberals have broken their election promise on building a new school in Gregory Hills, neighbouring Gledswood Hills Public School is over capacity—as we heard earlier today—after only one year of being open. It has 12 demountables filling up the playground, which should be open space for 200 students.

People in south-west Sydney should not be treated like second-class citizens; enough is enough. We need the Government to fully disclose all information on why there is still an empty block of land while Gregory Hills shrouds it with dense buildings and while the locals demand educational spots for their children. Labor will continue to stand with the Gregory Hills community in calling on the Berejiklian Government to provide answers, stop its delays and build the primary school this year. I thank my colleague the Hon. Courtney Houssos for moving this motion under Standing Order 52. It is so vital for those parents to get answers.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (17:02):** The Government will not oppose this order for papers.

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

**Motion agreed to.**

## **MUSWELLBROOK SHIRE BIOREFINERY PROJECT**

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

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

That private members' business item No. 927 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (17:03):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Office of Local Government relating to the biorefinery project in Muswellbrook Shire:

- (a) all documents relating to Muswellbrook Shire Council's support for a biorefinery project in their local government area;
- (b) all documents relating to:
  - (i) complaints from members of the public;
  - (ii) intergovernmental department or agency complaints or referrals; and
  - (iii) complaints or referrals from Ministers or members of Parliament.

- (c) all documents relating to the preliminary inquiries made by the Office of Local Government;
- (d) all instruments of delegation from the Secretary of the Department of Planning Industry and Environment to the Deputy Secretary, Local Government, Planning and Policy in force as at 9 July 2020;
- (e) all instruments of delegation delegating authority, powers or functions to Lyn Brown, Manager, Investigations, Office of Local Government in force as at 9 July 2020;
- (f) all legal advice provided to the Office of Local Government as referred to in correspondence dated 9 July 2020 from Tim Hurst, Deputy Secretary, Local Government, Planning and Policy, to Fiona Plesman, General Manager, Muswellbrook Shire Council;
- (g) all documents relating to the request for the legal advice referred to in correspondence dated 9 July 2020 from Tim Hurst, Deputy Secretary, Local Government, Planning and Policy, to Fiona Plesman, General Manager, Muswellbrook Shire Council, including any information provided for the purposes of preparing the advice; and
- (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a call for papers relating to the Muswellbrook Shire Council's support for a biorefinery project in its local government area. The council's community strategic plan identifies economic prosperity as the most significant concern of the shire's community. The Muswellbrook and Singleton local government areas produce approximately 13 per cent of globally traded thermal coal and approximately 35 per cent of the State's energy from thermal coal. Both of those industries are hostage to international trade tensions and considerations. The community in those areas has been rightly concerned about the impact of the economics of such trade tensions and the impacts on their local economies.

The council's priorities have been to support jobs growth and the diversification of the local economies. In order to achieve those goals, council has developed what would be fair to call an ambitious economic development program that identifies opportunities, investigates concepts and supports business and industry partners to promote and grow the local economy. One of those things is the Hunter shared access research biorefinery, to be located in Muswellbrook. The council believes that the biorefinery it wants to investigate and support would provide a hub for bioeconomy research, convert remediated mined land into an economic resource in the growth of second-generation feedstocks and support local economic diversification and growth. The council's bioethanol planning is set out in its integrated planning and reporting framework.

What appears to have happened is that the Office of Local Government has given the council a direction to not enter into any contract or take any action that legally binds the council in relation to the Hunter shared access research biorefinery. As I understand it, there may well be an existing legal dispute between the council and OLG at present. That is not a matter that I invite the House to enter into; that is a matter between the council and the OLG. The call for papers is put to the House to get information so that we can have visibility as to whether the OLG is acting within its lawful constraints and whether it is exercising its statutory powers and functions bona fide, according to law and on a reasonable basis.

We have budget estimates coming up; there is ongoing oversight by the portfolio committees of different areas of government expenditure and programs and operations, including the functions of the Office of Local Government. This call for papers is to get visibility as to whether the Office of Local Government has engaged in overreach and is otherwise properly discharging its own functions. On that basis, I put the call for papers motion to the House and invite honourable members to support it.

**The Hon. NATALIE WARD (17:06):** On behalf of the Government, I speak to and oppose the motion. The New South Wales Government is committed to upholding the highest standards of conduct, integrity and ethics in the State's local government sector. The investigative functions conferred upon the Office of Local Government within the Department of Planning, Industry and Environment, are a key mechanism for ensuring that. However, it is clear from the motion before the House that it seeks to access complaints and investigations about an ongoing preliminary inquiry and, of most concern, legal advice provided to the Office of Local Government in the context of active proceedings in the Supreme Court. There are established processes, procedures and rules that govern how an investigation is to proceed and the undertaking of preliminary inquiries are part of that process.

In my view, the Legislative Council should not lend itself to an action calculated to circumvent statutory protections to the vital work of an agency. That is respectfully not the role of this House. If information is provided in answer to the call and made public then this will detrimentally affect the agency's ability to conduct the ongoing litigation. This type of call will impair the administration of justice in the future and, frankly, it is just not our role. I have every confidence in the Office of Local Government to carry out its investigative functions properly and effectively. This motion will do nothing but jeopardise its ability to do so now and in the future. For those reasons, the Government opposes the motion.

**The Hon. ADAM SEARLE (17:08):** In reply: I thank the Parliamentary Secretary for her contribution. I remind the House of another call for papers under Standing Order 52, which was, I think, proposed by me in relation to councillor Antoine Doueihy. There was, and I think still is, an ongoing process in relation to the mayor of Strathfield. The House called for those papers. Some were made public; others remained confidential. That confidentiality has not been breached, and I have not been able to detect an adverse impact on the investigatory functions of the Office of Local Government.

That example can serve as a prototype so that members can rest assured that this call for papers can proceed without any interference in the administration of justice or the discharge of the statutory functions of the Office of Local Government. As well, of course, it is part of members' parliamentary obligations to interrogate the actions of the Executive. Let us see what the documents reveal, if anything. Obviously, if there are any further steps, then the House will remain the master of its own destiny and the master of the destiny of documents in its custody, care and control. I ask members to support the motion.

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

**Motion agreed to.**

### Motions

## WATER MANAGEMENT

**Mr JUSTIN FIELD (17:11):** I move:

- (1) That this House notes:
  - (a) the release on 27 November 2020 of the Independent Commission Against Corruption's [ICAC] report, following a three-year investigation, entitled *Investigation into complaints of corruption in the management of water in NSW and systemic non-compliance with the Water Management Act 2000*;
  - (b) the investigation was primarily the result of matters referred to the ICAC following the airing on 24 July 2017 of the ABC's *Four Corners* program *Pumped: Who is benefitting from the billions spent on the Murray Darling*;
  - (c) the investigation examined multiple allegations, over almost a decade, in two related investigations (Operation Avon and Operation Mezzo), concerning complaints of corruption involving the management of water, particularly in the Barwon-Darling area of the Murray-Darling Basin; and
  - (d) that while the ICAC was not satisfied that the evidence established that any person had engaged in corrupt conduct for the purposes of the Independent Commission Against Corruption Act 1988, the report pointed to a broken and partial water management system and made a number of damning findings including:
    - (i) that certain decisions and approaches taken by the relevant department and Ministers with responsibility for water management over the last decade have been inconsistent with the object, principles and duties of the Water Management Act 2000 ("the Act") and failed to give effect to legislated priorities for water sharing;
    - (ii) that the development and implementation of the 2012 Barwon-Darling Water Sharing Plan represented a failure to adhere to the priorities set out in the Act;
    - (iii) that the focus of the Department of Primary Industries—Water on specific irrigator groups has been entrenched in its approach towards stakeholder consultation, through restricting information available to other stakeholders, such as downstream user groups and environmental stakeholders and agencies, resulting in the policy-making process becoming vulnerable to improper favouritism and risk of "capture", as environmental and other perspectives were sidelined from policy discussions; and
    - (iv) that specific failures in the administrative arrangements concerning water regulation and compliance also created an atmosphere that was overly favourable to irrigators; largely due to chronic underfunding, organisational dysfunction and a lack of commitment to compliance.
- (2) That this House expresses its concerns that without immediate action, a number of current areas of water policy reform and implementation, including the licencing of floodplain harvesting, the consideration of new and expanded dams, the finalisation of water resource plans and water sharing plans, and the development of Regional Water Strategies, risk the continuation of issues identified in the ICAC report and if left unaddressed, will result in further deterioration of public trust in water management in New South Wales.
- (3) That this House calls on the Government to commit to implementing with urgency all recommendations from the ICAC inquiry and correcting the failures in water management in New South Wales in the past.

Members would have to have been under a rock to have missed the traumatic fish kills two years ago in the lower Darling "Barka" River. In January 2019 the event made not only national news but also global headlines. It was astonishing to see millions of very large iconic fish like the Murray cod dead in the stagnant pools—which should be one of Australia's most proud environmental assets. However, you may have missed the growing community concern that we are heading back to that situation right now.

Certainly in the last week my Facebook page—and maybe this is a reflection of the people whom I follow—has been filled with horrific images of the blue-green algae that covers a substantial length of the lower

Darling River. I have seen pictures in *The Guardian* of the pool of water behind Weir 32. The drinking water of the Menindee is covered in a thick slime. Late last month WaterNSW issued a red alert for blue-green algae for 400 kilometres of the lower Darling to its confluence with the Murray River. Graeme McCrabb was quoted in *The Guardian* article. The name might be familiar because the images of him and his fellow farmer Rob McBride holding giant Murray cod went global during the 2019 fish kill. He said that the Darling is in as poor a shape now as it was before the 2019 fish kills.

Australia is a country of floods and droughts—no two ways about it—but what is different now is the importance for us as legislators, as members of a House of review, to understand the critical water policy issues for the upcoming year. It is important to understand the critical difference of where we are today compared with where we were two years ago. Last year the northern Murray-Darling Basin received 14 per cent more rain than the annual average—in fact, more than twice the rainfall that fell in 2018-19 in the northern Murray-Darling Basin last year. Despite the flood events in the northern basin, which were the subject of significant public discussion around the infrastructure damage from the floods—members have debated flood plain harvesting in the House, and I will come back to that—the lower Darling is looking as sickly today as it did two years ago.

New South Wales is coming off one of the worst, if not the worst, droughts in its history, yet large sections of the Murray-Darling Basin are dry. There have been multiple flood events, yet the southern reaches of the Darling "Barka" River are dry. I am not suggesting that everywhere is sopping wet; I know many areas have not had the rainfall that locals might have wanted. But Department of Planning and Environment [DPIE] maps show that the vast majority of the north-west, west and south-west of the State is not currently drought affected but the lower Darling is still dry. Something is not working as it should. We are in the fortunate position of knowing what has gone wrong because on 27 November 2020, a week after Parliament adjourned for the year—which is unfortunate but at least we are coming to the issue now—the Independent Commission Against Corruption released its long-awaited report entitled *Investigation into complaints of corruption in the management of water in NSW and systemic non-compliance with the Water Management Act 2000*.

The investigation was primarily the result of matters that were referred to the commission following the 2017 airing of the ABC's *Four Corners* program *Pumped: Who is benefitting from the billions spent on the Murray Darling*, which has been talked about many times in the House. The program looked into who was benefitting from the billions of dollars of Commonwealth and State funds that had been spent on the Murray-Darling. The investigation examined multiple allegations over almost a decade into two related investigations: Operation Avon and Operation Mezzo. These concerned complaints of corruption involving the management of water, particularly in the Barwon-Darling area of the Murray-Darling Basin.

While the ICAC was not satisfied that the evidence established that any one person had engaged in corrupt conduct for the purposes of the Independent Commission Against Corruption Act 1988, the report pointed to an entirely broken and partial water management system. It made a number of damning findings as well as a number of significant and important recommendations. I will go through some of the findings. Over the past decade the ICAC has found that water management has been "inconsistent with the law". When you read that, you realise that the decision-making within the department and the role played by the Ministers did not uphold the Water Management Act 2000 in its operation and effect. The law requires for the water source and its dependent ecosystems to be prioritised over extraction, but the ICAC said:

... the practical effects of this approach, particularly in the Barwon-Darling, have often been prejudicial to the environment.

The ICAC found the department's approach to water management "was motivated by a misguided effort" to protect existing entitlements from any changes as a result of the basin plan. To read that more simply: The water managers in this State—at all the organisation names referred to by the ICAC, currently DPIE-Water—and the relevant Ministers deemed that the effects of the Murray-Darling Basin were prejudicial to the interests of irrigators. So they acted on their behalf to correct what they perceived as an injustice, entirely inconsistent with New South Wales law.

The ICAC found that the rights of productive users were given priority over other stakeholders and, alarmingly, that "there was a clear alignment between the department's strategies and goals and those of the irrigation industry." From reading the report, it is clear that the people making those decisions believed that by acting in the interests of the irrigation industry they were acting in the interests of the State. The ICAC found that the actions of the department have had:

... a detrimental effect on the public's confidence in the ecologically sustainable, equitable, transparent and efficient management of the water sources of the state and in the integrity and good repute of public administration, more generally.

I do not think that would be lost on any of us here today who have had many, many discussions about water management in this State. These are summaries that I have put together; there are many more specific findings

and recommendations. Finally, the ICAC found that the controversial 2012 Barwon-Darling water sharing plan had been made and applied in a way that:

... provided for the opportunistic extraction by a small number of large irrigators of unprecedented volumes of water at low flows ...

This included the removal of pump sizes from each class of licence and the failure to implement individual daily extraction limits and total daily extraction limits. I do not mean to get technical here, but the consequences of these decisions were spelt out very clearly when the New South Wales Natural Resources Commission [NRC] provided its report into the Barwon-Darling water sharing plan. That report found that the decisions made to change the plan in 2012 and individual decisions taken to allow pump sizes to be increased and to not implement some extraction limits led to that river system going into hydrological drought three years earlier than it otherwise would have. The report described the river system as an ecosystem in crisis. That advice was given by the New South Wales Government's independent natural resource management advisor.

The ICAC's report was a long time coming, which was frustrating to many of us who wanted to see it a long time ago. It would have helped inform many government decisions that have been taken since the issues were aired in a 2017 *Four Corners* report. There was a lot of frustration within the stakeholder groups that had given evidence and there was discussion about where the investigation was up to. Not a lot was known, and then all of a sudden the report came out at the end of the parliamentary year. There has not been as much public and, certainly, political discussion as there otherwise should have been for such an important report. Some of the academics who watch this space carefully have had something to say and I want to put some of that on the record.

I quote from an article written by Bradley Moggridge, Erin O'Donnell and Dr Emma Carmody, whose work significantly informed the pumped program. The quote is a few paragraphs, but I think it is very important to put it on the record. It articulates one of the key issues for us as legislators if we are going to be a House of review for a range of water management decisions that will be taken over the course of 2021. The article states:

This is a devastating outcome. In a society like Australia, which values both the rule of law and democracy, this independent investigation has found that government agencies in NSW have been failing on both counts.

Many people, including former NSW water agency staff, have struggled to reconcile some of the behaviour described in the report with the ICAC's finding that no individual had engaged in corrupt conduct under the *Independent Commission Against Corruption Act 1988* ...

For example, the ICAC held that former top water bureaucrat, Gavin Hanlon, held a clear bias in favour of irrigators. It confirmed that he had provided a select group of irrigator lobbyists with confidential legal advice as part of a strategy to undermine national water laws; that he conflated the commercial interests of certain irrigator groups with the broader interests of the entire state; and that he assumed that the interests of 'direct' water users trumped those of 'indirect' users (whom he helpfully identified as the environment and First Nations peoples). However, the ICAC did not consider that any of this rose to the level of corruption. This is despite the fact that the definition of 'corruption' in the ICAC Act is broad and includes non-criminal, dismissible offences (such as conduct by a public official that directly or indirectly affects the honest or impartial exercise of official functions).

Regardless, what the ICAC report into water management in NSW appears to demonstrate is that anti-corruption watchdogs are perhaps unable – or unwilling – to take on 'regulatory capture' of entire agencies.

The way I described it when I read the ICAC report is that it seems to be impossible to make findings of corruption against individuals when entire systems of the bureaucracy are corrupt and have been allowed to act corruptly and against the law for many, many years. It is not even necessary to read between the lines of the ICAC report to come to that conclusion; it is clear that that is ultimately what the ICAC is saying. I expect that the Government will say—I am guessing, but I am relatively well informed on this—that it is taking action and that steps are being taken to correct the situation: It commissioned the Matthews report, established the Natural Resources Access Regulator and made changes to water sharing plans, including the Barwon-Darling water sharing plan. I accept that those actions are being taken, but we should not be lulled into a false sense of security in any way, shape or form.

Over the past 12 months many of the concerns raised by ICAC have come up in discussions we have had in this place and in inquiries that have been held, particularly in the floodplain harvesting debate that is currently going on. Those issues include favouritism, the interests of irrigators being prioritised over other stakeholders, the exclusion of environment stakeholders from the public debate, and the lack of transparency shown in not publishing the submissions to certain regulatory processes and not providing the models that are used to underpin assumptions about how water flows down a river.

We have seen amendments to the water sharing plans that do not implement the full recommendations of the NRC and that make recommendations that very clearly prioritise irrigator interests over the interests of the environment, First Nations peoples and communities. Again, all of those things go against the statutory requirement and the priorities set out in the Water Management Act 2000. I do not accept that argument from the Government. I do not think that anyone should accept that argument from the Government. I call on the House to support the call contained in this motion for the implementation of all of the recommendations as quickly and

fully as possible. Many critical decisions about water are coming up in the next 12 months to two years. Ideally, we will deal with the floodplain harvesting issue in the first half of this year. The allocation of as much as \$2 billion to \$4 billion worth of licences to a handful of irrigators—a relatively small number; maybe 300 or 400—will be decided on the basis of the decisions in this place over the next six months, again on the basis of a lack of complete information and concerns about transparency and the benefiting of certain interests over others.

We will see the accreditation process for a suite of water resource plans that have gone to the Murray-Darling Basin Authority and the Federal Minister without the concurrence of the New South Wales environment Minister, which is required under law, and without a full and open consultation over their contents. We will see the regional water strategies implemented. The Government says those strategies will be its drought response, despite the fact that they will have no legal standing. I say to all members: Get across what is in the ICAC report, look at the recommendations and support this motion calling on the Government to implement, expeditiously and in full, all of the recommendations of the ICAC. Let us work together, lest in 12 months' time—or maybe even less—we see another fish kill of international proportions in what should be one of the most iconic river systems in the country. I call on all members to support the motion.

**The Hon. SAM FARRAWAY (17:28):** I think Mr Justin Field knows what I am going to say. The New South Wales Government welcomes the finding of the Independent Commission Against Corruption report entitled *Investigation into complaints of corruption in the management of water in NSW and systemic non-compliance with the Water Management Act 2000*. The ICAC concluded that no-one had engaged in corrupt conduct for the purposes of the Independent Commission Against Corruption [ICAC] Act. It made 15 corruption prevention recommendations. The Department of Planning, Industry and Environment [DPIE] accepts all the recommendations and has completed five of them, or close to 30 per cent, with good progress made on the remainder. Many of the ICAC's recommendations relate to historical matters that have already been addressed by the Government, and the department has made significant progress against most of the other recommendations.

Significant reforms to water management have already been implemented in the department, particularly driven through the Water Reform Action Plan. That plan was established after the Matthews investigation, which covered many of the same issues examined by the commission. The DPIE is now preparing a response and an action plan, including a formal response to the ICAC to be submitted in March. The New South Wales Government looks forward to working with the State's water agencies and the Natural Resources Access Regulator in continuing to simplify water management in New South Wales for economic, cultural and environmental benefits.

**The Hon. PENNY SHARPE (17:30):** Wow! What a contribution from the Government, "We welcome the report"—a report that says that water management in this State has failed communities up and down the Darling "Barka" and other communities for over a decade, directly as a result of the decisions made by this Government. It was an extraordinary contribution. Of course, the Government cannot reject the recommendations because to do so would be even more shameful than its actions to date. I cannot believe that contribution from the Government: "These are historical matters that we do not have to worry about." The historical matters that the Government talks about occurred on its watch, at the direction of its Ministers, particularly National Party Ministers, and have led to communities dying all along the river. The Government is allowing one of our most important rivers to die on its watch. It has allowed that to happen. It welcomes the report, everything is fixed and there is nothing to see here! That is an indictment and a failure on the part of the Government to hear what the communities all along the river are crying out for. I cannot believe that contribution.

Water, like air, is probably one of our most public and precious resources. It is under pressure for a range of reasons, climate change being one of them as well as the historic over-allocation and mismanagement of this resource. "We have tried to monetise every drop of water"—and the impact of that has led to speculation, water trading, the people at the top end making a lot of money and the people at the bottom end being left with nothing. Without water there is no life. We have important communities in western New South Wales. I could point to other areas as well but I will focus on the Darling. We have communities who can no longer fish, swim or engage in their cultural practices, as the Barkandji no longer can; who no longer have tourists visit because there is nothing to see, unless they wanted to participate in the grotesque form of tourism when people came to see the millions and millions of dead fish. They will not be back because there is nothing left to see.

People have lost their jobs. There are farmers in Pooncarie who are literally being forced off the land, with no compensation and no care from the Government. We have dead fish and we are putting at risk the hatchery for native fish across this State and into the Murray by killing off the Menindee Lakes by stealth. We are ruining the recreation and quality of life for people in far western New South Wales. We are doing that—yet the Government welcomes the report, although it has failed to heed any of its messages. The ICAC report is incredibly important. It took a long time but its recommendations should not be just shoved away with the idea that, "Yes, there was no corruption; therefore we are now putting a few things in place to tinker around the edges".

We need to get serious and we need to tell the truth about water. We are living on one of the driest continents on Earth, where water is going to become more scarce. There is no more water coming. The way that we manage water into the future is fundamental to the life of this State and country. We cannot pretend that with a bit of paper and another report it is going to be okay. This is a damning report. No individuals have been found to be corrupt, but surely it shows a system that has failed. I place on the public record some of the findings of the ICAC. The commission formed the opinion that it could not satisfy the particular allegations based on evidence, but it went on to say:

The Commission formed the opinion, however, that in many of the matters it investigated, the evidence did establish that certain decisions and approaches taken by the department with the responsibility for water management in NSW over the last decade was inconsistent with the object, principles and duties of the WMA and failed to give effect to the legislative priorities for water sharing.

What is the point of members being in this place, making laws and saying, hand on heart, that we care about the environment and social and economic outcomes, when we know that Minister after Minister has just ignored what they were legislated to do and have allowed their departments to do this? The internal bickering and machinations within the Government have slowly but surely stripped away any of the protections that we fought very long and hard for—from whichever position we come from in this place—in order to set up a plan that we could agree on and would become law.

The Government agencies with the responsibility for water management is a story and a saga in itself. Let us talk about that. There was a separate Office of Water established within the Department of Environment and Climate Change [DECC]. In 2009 the DECC was renamed the Department of Environment, Climate Change and Water, and the Office of Water was renamed the NSW Office of Water. In April 2011—that date is important because that is the date the National Party and the Liberal Party became one government in this State—the Office of Water was transferred to the Department of Industry, Trade and Investment, Regional Infrastructure and Services. From July 2015 the NSW Office of Water was transferred to the newly established Department of Industry and renamed DPI—Water, a division of the Department of Primary Industries within the overarching Department of Industry.

What is important about that—if honourable members have been paying attention, and some of us do—is the guarantee that water in this State was overseen by the National Party, on every decision. Every decision was made by the National Party. What we also know happened over that period is that there were massive cuts within those departments. The cuts were never to frontline positions but they meant that the monitoring of and compliance with the rules that were in place, which too often were ignored, were not able to be dealt with. There is a history of mismanagement, and communities are paying the price. The report noted:

The Commission found that this approach to balancing competing interests in the highly contested space of water management involved giving at least equal weighting to social, economic and environmental considerations and, in some cases, clear precedence to economic interests, when the social and economic benefits objective is clearly subject to the environmental objectives of both the state and federal legislative frameworks.

The commission is satisfied that the practical effects of this approach, particularly in the Barwon-Darling, have been prejudicial to the environment.

The report continued:

Notwithstanding the fact that the Commission has made no findings of corrupt conduct, it is satisfied that those matters it found established on the evidence—being among those widely broadcast in the media—have rightly had a detrimental effect on the public's confidence in the ecologically sustainable, equitable, transparent and efficient management of water sources of the state and in the integrity and good repute of public administration, more generally.

I do not know how it can get more damning than that. I will not go through the recommendations in the report; everyone can read them. The Government said that it will act on them, it is all terrific, it welcomes them, it will fix it, nothing to see here. That is not good enough. What I commit Labor to do—and I know many in the House will continue to do—is to hold the Government to account for what is happening to the communities that do not have safe drinking water, that cannot water their crops and that cannot rely on the water sharing plans they painstakingly work with. For First Nations people, they cannot rely on their entitlement to native title water. At the moment they get air. The Government has a lot to answer for when it comes to water.

The other point I want to make is that we need to tell the truth about water. We live in this world of political spin but we have to make hard decisions. Our water in our rivers is over-allocated. Our groundwater is over-allocated. We have spent billions of dollars trying to fix the problem and it is clear that it is not working. We have to tell communities the truth because, rightly, communities are worried about their water security. We have to make decisions about the health of the rivers. At the moment we are making promises that will not fix the problem—I am on an inquiry about dams and it has received a lot of evidence about that—with a seemingly blank cheque.



Everyone in this place needs to be committed to water security for every community in this State but we do not tell ourselves the truth. Instead, we say that we will build a dam and that will fix the problems. No-one will have to pay any money or change anything they are doing—people can still extract as much water as they want. We still say to northern irrigators—not the southern irrigators who are as furious about this as anyone else—that if they have a stick in the ground they can take water without a pump or a pump meter and there will be no consequences when they break the law because this report also showed that there have been no consequences for people who are doing the wrong thing.

I want irrigators to survive. We all know how important they are to communities because of the jobs they provide, the food they make and the fibre they produce for our communities. But there is a finite amount of water and we have got to make some tough choices about what is fair and what is reasonable. At the moment what is happening is not fair and it is not reasonable. There are some people at the top who are still making millions and billions of dollars off water as communities are starving. The deliberate decisions we are making are killing communities, jobs, tourism, fish, birds and culture.

In Broken Hill last week the dams inquiry committee received some excellent evidence from a range of local people who are so frustrated because they cannot get their voices heard. The fact that The Nationals do not listen to them is shameful. The Australian People's Tribunal spent 12 months talking to communities up and down the Darling-Barka about what they want and what they need. It was a good piece of work. I highly recommend that report to everyone. Quite frankly, it should be required reading for every government department, instead of them overly consulting communities where they present a list of options for that they want to do and nothing that the community wants. There is a lot to learn from that citizens' inquiry.

Councillor Jane MacAllister from Wentworth Council recently appeared before the committee and as part of the Australian People's Tribunal report she presented a poem by Jordin Gilby, an eight-year-old from Menindee. This is what Jordan said to the committee about water:

Will you please listen to our plea  
From all us kids here in Menindee  
The water is really yucky and smelly  
We don't want to put that in our belly  
We have to buy water and it costs lots of money  
We can't have other things and that's sad for Mummy  
But we make her happy and say don't be sad  
We know you do this because the water is very bad  
People say us bush kids are all real tough  
But I heard a sad old man say "gee we're doing it rough"  
I asked daddy was the old man okay  
He said "yeah, he's never seen the river this way"  
When we wash, water helps make us clean  
But I don't think it will, 'cause the river is all green  
It smells really bad and nearly makes you spew  
It smells worse than an old emu's poo  
The water from our lakes has been taken away  
So we can't go camping and play all day  
When we went to the river Nan and Pop cried  
I think they were sad because all the fish died  
We hope our river gets clean with lots of rain  
Then everyone in Menindee will be happy again  
We don't want them to keep being sad  
So if you can help us, we will all be glad  
Think of us Darling River kids when you go to bed tonight  
'cause what's happening here, is just not right.

**Ms CATE FAEHRMANN (17:44):** I support the motion moved by Mr Justin Field, and thank goodness we are speaking about the ICAC report in this place. I echo the words of the Hon. Penny Sharpe about the extraordinarily short contribution of 2½ minutes of the Hon. Sam Faraway from The Nationals, representing the Government in response to this damning ICAC report. I agree the ICAC report did not find instances of corruption per se but there is a different level of corruption determined by ICAC officials that has to be proved. If one speaks to people from regional New South Wales or the Far West, one can only hear the word "corruption" from them in relation to water.

As a result of ICAC finding a "systemic prioritisation of irrigators" over the rest of other communities that use water, the communities along the lower Darling feel that is corruption. One can understand that if the Government is systematically prioritising one group that meets with government, that donates to political parties, that consistently has their views heard, that influences legislative agenda, that influences water sharing plans, that has direct lines to the Minister and consistently phones the Minister and the Minister's staff, local communities

are almost justified in saying that what is happening in the Minister's office, in Water NSW and in the Department of Primary Industries [DPI] is corruption.

The report of the ICAC did not find corruption but it made 15 recommendations that the Minister and the department must adopt to prevent corruption. The Hon. Penny Sharpe read a moving poem that was recited by Wentworth Councillor Jane MacAllister at the hearing that was held in Broken Hill on 10 February. I have to say that it was as moving the second time I heard it as the first time. The young girl who wrote that poem and read it to the Australian People's Tribunal is experiencing distress as a result of the devastation in her community because of the lack of water. I do not know how anyone cannot be heartbroken about what is happening in those communities. I also do not know how a government cannot act to correct it. The report suggests that a lot needs to happen.

The commission found absolute mismanagement and absolute prioritisation of vested interests over the community. This State has the Water Management Act and surely the water Minister's first duty is to look at that Act, which should dictate all of their behaviours and actions. The Minister should ask: What should I do to make sure that the actions of this department meets the principles and objects of the Water Management Act that I am responsible for executing? Importantly, senior public servants of the Department of Planning, Industry and Environment [DPIE] made a submission to ICAC and tried to say that what is set out in the Water Management Act is not mandated and that it is merely a set of fluffy principles. That is extraordinary.

Yes, ICAC did not officially find corruption. When reading the report we may not find the word "corruption", but everything else does not pass the pub test, particularly in Menindee and Broken Hill. This is very close to extreme mismanagement, maybe—as I said the locals are saying—corruption. The DPIE made a submission to the ICAC inquiry that section 5 of the Water Management Act sets out principles and not mandated outcomes, and that these are expressed in general terms as distinct from mandated rules that will either be obeyed or disobeyed. The commission report states:

... the Commission considers that the water management principles in relation to water sharing are expressed in mandatory terms.

But the public servants at DPIE tried to argue—and potentially it was signed off by the Minister—that these water management principles are only expressed in general terms. That is extraordinary. The ICAC found that these water management principles:

... constitute a formulation of statutory principles that are central to the management of water resources and must be given effect by all those bound by the statutory duty or obligation to do so imposed by s 9 of the WMA.

The ICAC report goes on about the Act itself and the duties of the Minister to execute the functions of her department. One other thing ICAC pointed out—a number of other members have already mentioned this, though not the member speaking on behalf of the Government, of course—was that the investigation highlighted:

... the continual restructuring of water agencies over the last 20 years and the alarming impact that this had on water management in NSW. A related concern is whether the absorption of the former Office of Environment and Heritage into a mega-department will create better water management decision-making, particularly given the order of seniority amongst portfolios within the DPIE and the need for environmental issues to have a strong and independent voice within the NSW Government's administrative arrangements. The Commission, however, is reluctant to recommend further machinery of government changes because of the widespread administrative disruption experienced in the public service over recent years.

That is extraordinary as well. Basically the ICAC found that absorbing the Office of Environment and Heritage, subsuming in some ways the seniority of the role of the environment within the DPIE, is a concern but that it did not want to recommend another change because those changes have been so disruptive to water management in this State. That really is extraordinary.

The other thing that is just beyond words—absolutely disgraceful actually—is that we have confirmation here that for years the Government, the water Minister, the National Party and the senior public servants within DPIE have been prioritising irrigation in access to water, particularly in the northern Basin and for a handful of big corporate irrigators and big agribusiness, and have been completely disregarding the objects of the Act. In other words, they have been doing this completely against the law and, as the Hon. Penny Sharpe said, at the expense of entire towns.

Essentially the Government has said that to keep flows in the lower Darling and the Menindee Lakes and to keep a healthy lakes system will take too much water from its mates in the northern Basin, which it has prioritised over what it should be doing under the Water Management Act—that is, to prioritise environmental outcomes and ensure that towns such as Wilcannia have water. The Government sees that this has dried up the lower Darling and is killing the river. That is disgraceful. The Government has deliberately made the decision to drain Lake Menindee, an ephemeral, ancient lake critical to the survival of many threatened native fish such as the Murray cod, golden perch and others. It knows it is doing this; it is a deliberate decision.

Communities out west tell us that they have been sacrificed by this Government and by the National Party in favour of the big irrigators in the north of the Basin. This ICAC report—to which the National Party representative gave a flippant, dismissive, 2½-minute response—confirms that the prioritisation of irrigators is occurring on this Government's watch, that it is deliberate and that it is being done against the law. What can the community do? People in towns on the Darling River, such as Menindee, Wentworth, Broken Hill, Walgett and Wilcannia, ask us as members of Parliament, "What can you do? The Government is killing our towns."

Last week in Broken Hill at a hearing of the dams inquiry, we heard from a Barkindji representative whose opening statement almost brought me to tears. His statement was so powerful that I said to him at the time that what has happened to him and his people, to his culture and his country is a national disgrace. His people, the Barkindji, are people of the Darling-Baaka River. For 80,000 years they have had flows in the Baaka River. Sometimes in drought it has not flowed but it has come back in six months or a year. He talked about suicides and about despair. Their culture, their connection to country and their spirit have been broken because the flows in the river that bears their name are gone. They do not know how to pass on the lore of the Barkindji to their sons and daughters—or they are finding it damn hard to do so—because there are no flows in the river. That is also what this ICAC report found. The report states:

As required by ... the ICAC Act, the DPIE and NSW Government must inform the Commission in writing within three months (or such longer period as the Commission may agree to in writing) after receiving the recommendations, whether they propose to implement any plan of action in response to the recommendations and, if so, details of the proposed plan of action.

I know I speak for thousands of New South Wales residents when I say that they are desperate for a plan of action. I have in my hand the ICAC report, which contains 15 recommendations. It says that the Government and the National Party are prioritising irrigators over downstream communities—in other words, they are killing the Darling-Baaka River, Lake Menindee and the communities. What is happening in western New South Wales is cultural and ecological genocide. It has been just under three months since the report was released on 27 November. The Government has a couple of weeks or so to come up with a plan of action, stating it will take this matter seriously, that it gets it and has listened to the community. The water Minister should be the Minister for water management for all of New South Wales and for all cultures and all rivers—not just for the bigger irrigators up north, as this ICAC report states. Along with the rest of New South Wales, I wait with bated breath for that plan of action. I commend the motion to the House.

**The Hon. MICK VEITCH (17:58):** I make a short contribution to debate on the motion by Mr Justin Field. I would have thought the Government contribution would have detailed the five recommendations that the member said had been implemented. Which five recommendations were implemented? As for recommendations that have not been implemented, what is the timetable to put those into place? It was a great opportunity for the Government member to say, "We've read the report. We've accepted the recommendations. This is what we have done and this is the timetable for those that remain." If the ICAC report was taken to be as important a document as it is, particularly in western New South Wales, then that should have been the contribution from the Government.

There is a common theme when it comes to water, which is consultation, or the lack of balance in consultation. That can be seen in the ICAC report; it again talks about the fact that the consultation was not balanced. If you speak to people along the Barwon-Darling they will talk about that. The report also talks about issues that arise out of the water sharing plan. I do not want to bore members, but I have stood here many times since the inception of that water sharing plan to say there were some significant problems. As time has gone by, it turns out I was right: There were some significant problems and I had articulated them many times in this Chamber.

The Hon. Penny Sharpe went through the number of changes to the name of administrative arrangements for the department. I recall a very lengthy debate on a bill in this Chamber about pulling together the functions of WaterNSW. I said at the time that I thought putting poacher-gamekeeper arrangements in place was not a good thing and that we would be back to discuss that. For those who were here, about 14 months later we were back debating exactly that matter. To his credit, the Minister said that I was right and that it was an issue. It led to the Matthews report and a number of actions and recommendations came out of that report—not all of which have been implemented, by the way. There is still a fair way to go with that.

I would say to the Government member who delivered the contribution on behalf of the Government in this debate that that is not how you do it. There should have been a darn sight more detail about the way in which the Government addressed the seriousness of the report. To say in a very short contribution that the Government has addressed some of the recommendations and is going to do the other ones and to then sit down is not acceptable. Someone else said it was flippant. I would say it is disrespectful to the House and it is disrespectful to the report that was prepared by ICAC and those people who participated in the process.

There is a standard in this Chamber around ministerial accountability. That contribution from the Government did not cut the mustard. I would say to the honourable member to go back to the Minister's office and say, "I just got belted around the chops because it was not acceptable." We deserve more than that in this Chamber. The ICAC report should be taken very seriously and the Government should have a detailed timetable for the implementation of the outstanding recommendations and budget allocations to make it all work. It is a very serious matter and the people of western New South Wales deserve much better.

**The Hon. ROD ROBERTS (18:03):** On behalf of One Nation I make a short contribution in support of the motion brought by Mr Justin Field. As my colleagues have said, ICAC investigated complaints of corruption in the management of water in New South Wales and the systematic noncompliance with the Water Management Act 2000. ICAC formed an opinion that in many of the matters it investigated the evidence established that certain decisions and approaches taken by the department with responsibility for water management over the past decade were inconsistent with the object, principles and duties of the Water Management Act 2000. The report notes that at a policy level the investigation found that the development and implementation of the 2012 Barwon-Darling Water Sharing Plan represented a failure to adhere to the priorities set out in the Water Management Act.

The commission made 15 recommendations to address those issues and to promote the integrity and good repute of public administration in relation to water management. I will highlight just a couple of them. They are the lengthy history of failure in giving proper and full effect to the objects, principles and duties of the Water Management Act and its priorities for water sharing; the failure to fully implement water sharing plans and ensure that they are audited; the lack of transparency, balance and fairness in consultation processes undertaken by water agencies in relation to external stakeholders; the regulatory failures in the State's water market; and the lack of transparency and accountability in water account information. Members may recall that my inaugural speech was about water. I have only been here near on two years now, and there are many members in this Chamber who have been here a lot longer than I.

**The Hon. Mick Veitch:** Name them.

**The Hon. ROD ROBERTS:** I won't name them. The issue of water and water management—or mismanagement, as I should properly call it—has been kicked around for many years. Water management, accountability and transparency are all murkier than the water described in the poem read by the Hon. Penny Sharpe. She also said that the report found there was no corruption, and it is true that it did not get to the level of corruption. But let me tell you this: There was certainly a lot of incompetence. This Government and this department have failed to administer the Water Management Act. It is an Act of Parliament. Let us disregard that it is an Act and cut it down to what it is. It is law, and it is law that needs to be followed. What sort of example is set for members of the community if government departments do not follow legislation and law? It is a very sad indictment on the department and the government of the day. One Nation supports and commends the motion to the House.

**Mr JUSTIN FIELD (18:06):** In reply: I thank Ms Cate Faehrmann, the Hon. Penny Sharpe, the Hon. Mick Veitch and the Hon. Rod Roberts for their contributions to the debate. Like other members, I am astonished as well by the Government's response to the motion. The Government had the ICAC report for some time before it was released publicly. It is now almost three months since the report was tabled. At a time when sensitivities in the Murray-Darling Basin are extreme, I find the lack of a credible response not just in this Chamber today but more formally from the Government to be entirely disrespectful.

The fact that the honourable member representing the Government has not listened to the other contributions but has spoken through most of this debate is quite disrespectful as well. Perhaps other than a few northern basin irrigators, I am sure that the vast majority of stakeholders who have lived the experience of these poor decisions, this abuse of power—as I think it is fair to say—and this failure to administer the Act in a legal way would find it quite disrespectful as well. We need look no further than the last election where the Government was punished for its failures around water management, and it will continue to be that way if it does not treat this issue more seriously.

I have previously called publicly and in the House for water to be stripped from the New South Wales Nationals. I struggle to see how these issues will be genuinely addressed whilst The Nationals hold the portfolio, but ultimately they do. The Government has a very clear set of credible recommendations from the Independent Commission Against Corruption that backs up reports from the Government's own independent natural resources adviser, and it is still failing in this space. I have said this before to the Liberal Party and I will say it again: Please stop outsourcing natural resource management policy to The Nationals. You are destroying the country, the countryside, the rivers, our biodiversity and our communities.

The response here today by The Nationals is just another example of the way in which they are failing to take these issues seriously. The Hon. Rod Roberts described it as incompetence, and I can understand that position.

I do not want to quibble with it but I would say, in the vast majority of instances, it was quite deliberate. We certainly have a set of arrangements that failed to deliver on the objects of the Act, so it is incompetent in terms of delivering against the law. The law was passed by both Houses of Parliament, but it is quite deliberate, particularly at the senior level of management. It is by design that it is failing in many instances. That is clear from this report and it is ultimately the responsibility of the Ministers of any government to fix. If they can see and identify it then they cannot hide from it. It is here in black and white.

Ms Cate Faehrmann stressed that changes in government agency make-up have made it very difficult for water management issues. ICAC found that DPIE-Water withheld information and modelling from other government agencies, in particular the environment agency. If the Government thinks that it has fixed this, or if it is going to make the claim that it has fixed it, why then did it submit water resource plans for accreditation of the Murray-Darling Basin Authority without the concurrence of the environment Minister and without it going through the process of consultation with the Environment, Energy and Science Group? That happened just last year. The Government should not give us this nonsense that it is fixing the problem. It is deliberately still excluding stakeholders even within the Government.

The Hon. Penny Sharpe said something that is really important: We have to tell the truth. ICAC has told the truth. The NRC has told the truth. The only people not telling the truth here are The Nationals when it comes to the perilous state of water management in New South Wales. The river is drying up, water is over allocated, climate change is making it worse and the Government has no answers to these challenges. I ask anyone who can influence the long-term outcome within this Government to please look at this report and start knocking some heads together. Otherwise we are going to see the river die and those communities die at a much faster rate than they already are. I commend the motion to the House.

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

**Motion agreed to.**

#### *Documents*

### **BUSHFIRE LOCAL ECONOMIC RECOVERY FUND**

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

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 1008 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (18:12):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 September 2019 in the possession, custody or control of the Premier; Deputy Premier and Minister for Regional New South Wales, Industry and Trade; Department of Premier and Cabinet; Department of Planning, Industry and Environment; Regional NSW; or Resilience NSW relating to the Bushfire Local Economic Recovery Fund:

- (a) all documents relating to the first round of the Bushfire Local Economic Recovery Fund that provided \$177 million in grant funding, including:
  - (i) all program criteria;
  - (ii) all public and individual notifications of the program criteria or opportunity to apply for grants;
  - (iii) all applications;
  - (iv) all documents relating to the assessment, allocation and determination of individual grants including notification to recipients and media;
  - (v) all documents relating to rejected applications or projects; and
  - (vi) all documents regarding funding contributions from the New South Wales Government, the Federal Government and any private entity, including the Minderoo Foundation.
- (b) all documents relating to the program criteria and assessment process for the second round of the Bushfire Local Economic Recovery Fund; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I do not think that this needs a long introduction or explanation. The manner in which \$177 million of public funding for bushfire relief was handed out just at the end of last year is now publicly notorious. It includes the manner in which it was pork-barrelled into Coalition electorates, the manner in which there was no public notification of the criteria, and the manner in which parts of the State that were smashed by fires—the Blue

Mountains, the Central Coast and Ballina—got not a single dollar despite them collectively suffering more than \$300 million of economic loss on the Government's own figures. This is all material that is on the public record. But at the hearing of the Public Accountability Committee last week, we had the Deputy Premier seek to defend the funding allocations on the basis of a series of criteria that were never publicly disclosed. They were provided on recommendation, as I understand it, from his office and then approved by his Federal masters.

One of the criteria that the Deputy Premier spoke about at length in the inquiry was that a number of the projects that were put up for funding by the Blue Mountains were rejected because they did not meet the threshold of projects costing at least \$1 million. Even the most cursory examination of the 70-odd projects that were funded shows that almost half of them were well under the \$1 million threshold that the Deputy Premier asserted in the hearing. He also suggested that there was criteria applied based upon the number of buildings that were lost, regardless of the economic loss and the extent of the fires in the region. None of this was publicly known. None of this was on the public record. Those answers, obviously, need to be tested against whatever documents exist.

This is a carefully crafted Standing Order 52 motion that gives the Government 21 days in which to produce all the documents relating to the first round of the Bushfire Local Economic Recovery Fund, the \$177 million in grant funding and especially the program criteria and any, if they exist, public and individual notifications of the program criteria or the opportunity to apply for grants. It may well be there were just a bunch of secret taps on the shoulder from one Nationals MP to another and from a Nationals MP to their chosen recipients in the community. I will be particularly interested to see the invitation that Visy Corp got. Maybe it will come with express gratitude from the National Party about the millions of dollars in donations it was given. It will also require any documents that show how on earth these grants were assessed and on what basis they were allocated. It will show on what rational basis, if any, so many deserving projects were simply rejected. Perhaps it was that they came from the wrong electorate. Perhaps it was that they came from a Labor electorate or a Greens electorate or perhaps they were not in a marginal Federal seat.

We need to shine sunlight on this funding. There is genuine deep community outrage at the way in which this Government has grossly politicised this round of funding about bushfires. I think because it was about bushfire relief that the anger is even stronger in the community. But there is also outrage about the appalling way in which this Government spent \$250 million of public money with no transparency and no public accountability to literally try to buy the last State election through its Stronger Communities Fund. In this motion we are also seeking to see plainly and clearly the program criteria and the assessment process for the second round of the Bushfire Local Economic Recovery Fund, which is the \$250 million fund that is in the field at the moment. We are not asking for the other documents in relation to that fund; we accept that that part of the fund should now be administered. But we do want to see the program criteria and the assessment process for that second round of the Bushfire Local Economic Recovery Fund. I commend the motion to the House.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (18:17):** I can say at the outset that the Government will be opposing this motion. Let me make things crystal clear. This order for papers will require significant resourcing to be redirected from the current assessment process for the opening round that is currently underway. These are staff resources that would be much better spent processing the more than 650 applications requesting over \$1.6 billion in funding and representing more than \$2.1 billion in total project value. As members are aware, we have a second round of this funding underway. If this motion is passed, the impact on the timing and delivery of this second round of funding will be enormous. Any members of this House who vote for this motion will need to think clearly about that impact. Are they prepared to answer to each and every applicant to round two of the Bushfire Economic Local Recovery Fund as to why the assessment and awarding of this critical funding has been delayed, which will be because they have supported this Standing Order 52 motion? Is this political attack really more important than getting the recovery money to those who need it?

We have been more than transparent about this process. The Deputy Premier himself even appeared before an upper House inquiry into this and other grants programs. He literally sat with the committee for hours and gave them every opportunity to ask questions and request relevant documents. Members opposite clearly do not want transparency. They just want to play political games with disaster recovery funding. I am advised that it is estimated it would take approximately 600 hours to fulfil this order. That is a staggering amount of time for a team who have already worked long hours and who have given up weekends and holidays since the devastating bushfires last year to help people in affected communities. The wide scope of this request is linked to multiple components of the Bushfire Local Economic Recovery Fund and there would be a very high volume of associated documents. Moreover, this program is funded by both the Australian and New South Wales governments, which adds another level of complexity entirely.

I must reiterate this point because it is very important that members of the House understand the impact of this call for papers. If this motion is passed it will require a significant diversion of resources that will impact upon

the Government meeting its committed time lines, which means that funding for bushfire-impacted communities will be delayed. The delay of successful project announcements may affect whether individual projects can be delivered and overall funding outcomes. All projects funded from this fund must be completed by June 2023. This is an Australian Government funding requirement and it has been extended beyond the original June 2022 deadline. Larger and more complex projects need the certainty of funding as soon as possible. If assessment time lines are delayed it may affect project viability. Approximately \$4.4 billion has been committed by the New South Wales and Commonwealth governments to bushfire recovery and response. [*Time expired.*]

**The Hon. TARA MORIARTY (18:20):** The Opposition supports the motion. It was a rather extraordinary response from the Government.

**The Hon. Sarah Mitchell:** What? Telling the truth?

**The Hon. TARA MORIARTY:** We will see if that is what is happening when we see these documents.

**Mr David Shoebridge:** No shame.

**The Hon. TARA MORIARTY:** Yes. We will answer to the communities who missed out on funding and we will be ensuring that there is transparency in this process via this House because the Government has not done so to date.

**The Hon. JOHN GRAHAM (18:20):** I want to respond to that remarkable contribution from the Deputy Leader of the Government. It is quite remarkable to turn up here and threaten the funding to those projects because there is parliamentary scrutiny over these funds. I have not seen that done before in the House. It has not been done in relation to a whole lot of Standing Order 52 applications—and we all know a lot have gone through. I cannot think of any other issue that will upset more the communities, which are upset that they do not have funds and are hopeful that that may be rectified, than what has just occurred.

I place on the record the Opposition's total rejection of that approach from the Government. I would take it more seriously if the same view had not been put about holding these hearings in the first place because the Government already has put the view that the parliamentary committee doing its work might slow processes down. The Government can expect to receive parliamentary scrutiny if in issuing grants 99 per cent of them are to Coalition electorates. That is what is going to happen, and that is what is happening here. The Opposition absolutely rejects the approach that has been taken by the Deputy Leader of the Government.

I also make it clear that the Government can expect less scrutiny if the Ministers who are administering these funds own up to what they are doing. I say that because the Deputy Premier has said in relation to some of the grants funds that have been under scrutiny that he does not administer them. That is just plain cold wrong. He cannot sign the approval brief and then tell the public he does not administer those funds. That is why the Deputy Premier is under scrutiny. He did the same thing in relation to the GO NSW Equity Fund. He told that parliamentary committee nine times that that was all done at arms-length from the Government and then signed the brief approving it. The Deputy Premier is a serial offender. That is why he is under parliamentary scrutiny and there will be more of it, particularly if that approach is adopted.

It is an appalling position to put to bushfire-affected communities deeply upset that they have missed out. They just cannot understand why they have missed out on funding and why they have been rejected altogether. Frankly, as has already been pointed out, the answers that we were given just did not stack up. They did not match the facts. The community was never told. Grants have been politicised in the past but I have never seen disaster relief politicised. The principle is that if it is drought or flood or fire, a disaster is declared and the money flows automatically. Well, that did not happen here because the politics got involved. That is appalling.

**The Hon. COURTNEY HOUSSOS (18:23):** As a member of the Public Accountability Committee I feel compelled to make a contribution to this call for papers motion moved by Mr David Shoebridge as Chair of the Public Accountability Committee. I also wish to respond to the remarkable contribution from the Deputy Leader of the Government. My colleague the Hon. John Graham is absolutely correct: We have seen the politicisation of disaster relief for the very first time. That is a remarkable step even by the scale of Government-run grants programs. We have seen communities devastated by bushfires not being informed that bushfire funding was available. When they followed up to get more information, their phone calls were not returned. The funding was \$177 million. That was jointly funded by the Federal and State governments and just 2 per cent of a secret grants round went to Labor electorates.

The reason we are seeking this information through this House is because we were not satisfied with the information provided to us by the Deputy Premier. Indeed, many of the answers he provided to the committee were directly contradicted by the mayor of Blue Mountains only minutes after the Deputy Premier appeared. That is why we are taking these steps to seek this information. That is why we are fighting on behalf of those

bushfire-affected communities that did not receive funding when projects like the Macleay Valley Skydiving project in Kempsey—a project that had been shopped around for years beforehand—received the second-largest funding. This was not a business that was adversely affected by bushfires. This was an idea from the council. They had applied for two other grants programs involving longer and more rigorous assessments where that council did not achieve funding. But now, in this secret funding round, it got slipped out the door before the people in the Blue Mountains even knew about it. We have another situation with Snives Hives on the North Shore.

**Mr David Shoebridge:** Where was it again?

**The Hon. COURTNEY HOUSSOS:** On the North Shore in St Ives—Snives Hives in St Ives. I give them credit for a good name, but come on: Snives Hives has the inside running on this grants program. The member from the Central Coast does not know about this program at all, yet these guys on the North Shore have got the inside running to receive \$194,000. It is remarkable what this Government is doing with grants program funding. It is outrageous what the Government is doing at the cost to bushfire-affected communities. I commend the motion to the House.

**The Hon. TAYLOR MARTIN (18:27):** Of course the Government is committed to strong integrity, transparency and probity for all funding programs across this level.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** Order! Other members were heard in silence. The Parliamentary Secretary will be heard in silence. The Parliamentary Secretary has the call.

**The Hon. TAYLOR MARTIN:** Larger and more complex projects need the certainty of funding as soon as possible. If assessment time lines are delayed it may affect project viability. The Opposition and The Greens laugh.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** Order! I will call members to order. Mr David Shoebridge, who moved the motion, knows the procedure. He should not interject during debate on his motion. The Parliamentary Secretary is losing time. The Parliamentary Secretary has the call.

**The Hon. TAYLOR MARTIN:** Instead of passing this motion now, may I suggest that members consider it would be more appropriate when the open round assessment is completed and successful projects have been announced from June 2021. This would enable potential probity risks to be avoided to provide a more comprehensive picture of the overall Bushfire Local Economic Recovery Fund package across New South Wales. It would enable an independent probity report on the bushfire local economic recovery program and for the assessment process to be tabled. It would also allow departmental staff and resources to be dedicated to a timely and robust assessment process for projects submitted to the \$250 million open round. It would avoid potential delays to the announcement and commitment of funds to bushfire-impacted communities, which is so important.

It would also allow time for appropriate approvals from the Commonwealth Government. It is important that we all work together to make sure that this gets down. Approximately \$4.4 billion has been committed by the New South Wales and Commonwealth governments to the bushfire response recovery and preparedness efforts across New South Wales, including \$3 billion from the New South Wales Government. This support has been deliberately staged to ensure the short-, medium- and long-term needs of people impacted are met, no matter where they live. The 2019-20 bushfire season involved active fires across 50 local government areas with some more impacted than others, as I am sure you know, Mr Deputy President, in your area of the Blue Mountains.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** Indeed.

**The Hon. TAYLOR MARTIN:** And as I know in my area on the Central Coast and across the Hunter. There are various levels of devastation. It is important that it is worked through appropriately. Every single community that was impacted by bushfires is being supported in a variety of ways, not just through this fund alone. It is not limited to the rollout of locally based recovery support services, which have directly supported more than 4,200 bushfire-impacted families and individuals. The recovery case managers have been extended until the end of 2021.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I will now leave the chair. The House will resume at 8.00 p.m.

**The Hon. WALT SECORD (20:00):** As shadow Treasurer, I support the motion of Greens MLC Mr David Shoebridge calling for materials relating to the \$177 million Bushfire Local Economic Recovery Fund. I congratulate Mr David Shoebridge and my colleagues the Hon. Courtney Houssos and the Hon. John Graham on their forensic work in the parliamentary committee process, where they exposed the rorts involved in the fund. The parliamentary inquiry work uncovered activity that would embarrass even the disgraced former Wagga Wagga MP Daryl Maguire. The documents that are called for will show how this important fund was abused and misused.



As background, last year the Government handed out almost \$180 million for projects in communities affected by the 2019-20 Black Summer bushfires, without an open application process. Of the 71 projects that received funding, only three were in non-government electorates. Only \$2.5 million of the \$177 million fund went to families and businesses in non-government electorates. Yes, the Government poured funding all over Liberal and Nationals electorates and completely ignored homeless families in Labor and Greens electorates. Put simply, the Liberals and Nationals completely ignored communities that were burnt to the ground.

The Blue Mountains local government area did not receive any money even though it had suffered a \$65 million loss. It was the twelfth worst affected local government area in Australia and had put forward 23 projects. The Central Coast also missed out; its economic hit was \$163 million. The electorate of Ballina did not receive a cent. But what did the Berejiklian Government do? It gave \$11 million to a skydiving company while people in Kempsey, on the mid North Coast, were homeless and living in caravans. The Government gave \$3.6 million to build a seawall—I have never in my life seen a seawall damaged by fire. The Government gave \$3.5 million to a cider factory.

All of these rorts lead directly to the Premier and the Deputy Premier. South Australia and Victoria spent bushfire funding—surprise, surprise!—on bushfire projects. They built community halls. They even built a desalination plant to supply clean water to a community. They had an accountable and transparent process. But the Berejiklian Government has no shame. It poured bushfire funds all over its mates. We must make this call for papers so we can get to the bottom of this grubby, filthy, demeaning and corrupt grants process administered directly by the Premier.

**Mr DAVID SHOEBRIDGE (20:04):** In reply: I thank all members who spoke in debate on this motion. I particularly take issue with the nature of the opposition that came from the Minister. Rarely have I been more revolted by an argument made to oppose a call for papers under Standing Order 52. The motion seeks transparency on \$177 million of public money that even the most basic analysis shows was pork-barrelled—excluding Opposition and Greens electorates and overwhelmingly going to Coalition electorates in an opaque, non-transparent and highly politicised use of emergency relief funds. For the Government and the Minister to say that if the crossbench and the Opposition seek transparency in how that money was allocated, they will take it out on further recipients of bushfire funds—that they will directly and politically attack future recipients of bushfire funds by delaying the rollout of the next \$250 million of bushfire funds—was a disgraceful action.

**The Hon. Sarah Mitchell:** Point of order: The member is reflecting upon me and is inaccurately describing the contribution that I made. He should not be doing so in his reply.

**Mr DAVID SHOEBRIDGE:** To the point of order: The Minister made the direct statement that if the House proceeds with this motion, the Government would remove resources from the determination of the next round of \$250 million and would delay the provision of bushfire funding to the next round of victims. The Minister may be embarrassed now by the nature of her contribution, but that is not a basis upon which to take a point of order.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I was not present in the Chamber for the Minister's contribution. I will reserve my ruling on the point of order until I have looked at that contribution.

**Mr DAVID SHOEBRIDGE:** I fully understand the Government's political embarrassment about this. But to seek to politicise and threaten to delay the next round of bushfire funding for the communities that have already been cheated of a fair share—

**The Hon. Shayne Mallard:** Point of order—

**The Hon. Walt Secord:** You live in the Blue Mountains! You should be ashamed.

**The Hon. Shayne Mallard:** I take a point of order on that comment as well. Mr Assistant President, you have just reserved a ruling until you have examined what the Minister said. Mr David Shoebridge is flouting your ruling by going straight back to the very argument that the Minister—rightly, in my view—took a point of order on.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I uphold the point of order. I have said that I will review the speech. Once I have done that, I will rule on the matter. The member's time has expired.

**Mr DAVID SHOEBRIDGE:** I seek leave for an additional minute.

**Leave not granted.**

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

**The House divided.**

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

AYES

Banasiak	Graham	Pearson
Borsak	Houssos	Primrose
Boyd	Hurst	Roberts
Buttigieg (teller)	Jackson	Searle
D'Adam (teller)	Latham	Secord
Donnelly	Mookhey	Shoebridge
Faehrmann	Moriarty	Veitch
Field	Moselmane	

NOES

Amato	Khan	Mitchell
Cusack	Maclaren-Jones (teller)	Nile
Fang	Mallard	Taylor
Farlow	Martin	Tudehope
Faraway (teller)	Mason-Cox	Ward
Franklin		

PAIRS

Sharpe

Harwin

**Motion agreed to.**

*Committees*

**COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION**

**Membership**

**The Hon. DAMIEN TUDEHOPE:** By leave: I move:

That Mr Taylor Martin be discharged from the Committee on the Independent Commission Against Corruption and that Mr Trevor Khan be appointed as a member of the committee.

**Motion agreed to.**

**The Hon. DAMIEN TUDEHOPE:** I move:

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

**Motion agreed to.**

**STANDING COMMITTEE ON STATE DEVELOPMENT**

**Chair**

**The PRESIDENT:** I inform the House that this day the Clerk has received advice from the Leader of the Government nominating Mr Faraway as chair of the Standing Committee on State Development in place of Mr Martin.

*Documents*

**HOTEL QUARANTINE SECURITY CONTRACTS**

**Production of Documents: Order**

**The Hon. ANTHONY D'ADAM:** I move:

That private members' business item No. 1003 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ANTHONY D'ADAM (20:21):** I seek leave to amend private members' business item No. 1003 outside the order of precedence for today of which I have given notice as follows:

- (1) In paragraph (c), omit "security contracts" and insert instead "the security contracts granted".
- (2) In paragraph (d), insert ", up until the date of appointment" at the end.
- (3) Omit paragraph (f) and insert instead:
  - "(f) a list of the security contractors for each Isolation Hotel and the amount paid for each contract;"

### **Leave granted.**

**The Hon. ANTHONY D'ADAM:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Premier; Deputy Premier and Minister for Regional New South Wales, Industry and Trade; Department of Premier and Cabinet; Treasurer; The Treasury; Minister for Police and Emergency Services; or NSW Police Force relating to isolation hotels:

- (a) all documents relating to any investigation undertaken regarding allegations against Shane Brady, Associate Director, Strategic Security, Department of Premier and Cabinet;
- (b) all documents relating to any investigation undertaken regarding allegations of subcontracting of security contracts for isolation hotels for COVID-19;
- (c) all correspondence, emails, briefing notes or House folder notes, regarding the security contracts granted for isolation hotels for COVID-19;
- (d) all correspondence, emails, briefing notes disclosing which security companies were selected for hotel quarantine, and reasons for the appointment of those companies, up until the date of appointment;
- (e) all "Private Security Deployment for Isolation Hotels" documents;
- (f) a list of the security contractors for each isolation hotel and the amount paid for each contract;
- (g) any documents to and from NSW Police Security Licensing Enforcement Directorate regarding the license of Unified Security, David Millward and Luigi Trunzo; and
- (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

There is no greater threat to this State's COVID prevention regime than that posed by breaches in our system of hotel quarantine. Overseas arrivals are the primary source of new COVID-19 infections, and breaches in hotel quarantine have been the originating source in the emergence of a number of clusters in New South Wales and in other States. In some cases security staff have been the source of transmission. That is why there is substantial public interest in the disclosure of details relating to the management of security contracts for hotel quarantine. On 10 December 2020 a number of concerning allegations were published in *The Australian* newspaper that warrant scrutiny by this House. There are certainly questions about Mr Brady's role and his role in the awarding of contracts.

A role of this House is to ensure the integrity of the hotel quarantine system in this State. We need transparency around the arrangements, particularly around the contracting arrangements. This call for papers is directed to that end. The Opposition has had reasonably fruitful discussions with the Government, which have resulted in a narrowing of the scope of order. I want to clarify in relation to paragraph (c) of the motion that the Opposition is seeking documents regarding security contracts, not contractors. In relation to the rest of the motion, the Opposition believes the provisions of the order should be supported. I urge the House to support the motion.

**The Hon. SCOTT FARLOW (20:24):** From the outset, I thank and acknowledge the cooperation of the Hon. Anthony D'Adam in narrowing the scope of the motion. In saying that, the Government will not divide on this Standing Order 52 motion but I indicate that we still oppose it. The Government opposes it on the basis that it is yet another waste of resources that should be dedicated to protecting New South Wales in the midst of this COVID-19 pandemic. I put on the record that this is yet another call for papers that will place enormous pressure on our departments, when they are hard at work running one of the best quarantine systems in the world—perhaps, one would say, the gold standard. They have kept us safe, and I thank all those workers for their hard work.

Under the operational lead of the NSW Police Force, New South Wales has successfully quarantined more than 132,481 returned Australian citizens and residents since 29 March 2020. That is nearly as much as all of the other States combined. The NSW Police Force is responsible for the operational management of hotels quarantining non-symptomatic travellers. Symptomatic travellers are accommodated in hotels managed by NSW Health. In addition to the substantial NSW Police Force and NSW Health operational responsibility and engagement, New South Wales hotel quarantining has been supported by Australian Defence Force personnel, together with private security.

Travellers from overseas must enter into quarantine for 14 days to reduce the spread of COVID-19 in the community. New South Wales has provided welfare and health support to travellers while in quarantine

accommodation. Housing large numbers of international travellers returning to Australia posed a major logistical challenge; however, it is one that has been successfully managed in New South Wales. Our police, NSW Health officials and the accommodation industry will continue to work together to provide and carefully manage the nation's leading hotel quarantine system.

In our State police retain operational control of all hotel quarantine sites. Licensed private security contractors are engaged under established New South Wales Government procurement procedures to provide specific services under the supervision of the NSW Police Force. They are subject to regular audits, ensuring full compliance with performance requirements. Over 1,900 such audits have been carried out since the beginning of the program in April. They occur in close cooperation with the NSW Police Force, which retains operational responsibility and control of all quarantine sites.

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

**Motion agreed to.**

## PARRAMATTA LIGHT RAIL

### Production of Documents: Further Order

**The Hon. DANIEL MOOKHEY:** I move:

That private members' business item No. 989 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (20:27):** I move:

- (1) That this House notes that:
  - (a) on Thursday 21 November 2019 this House ordered the production of the final business case for the Parramatta Light Rail project stage two;
  - (b) on Wednesday 18 November 2020 this House ordered the production of the final business cases for the Parramatta Light Rail project stages one and two;
  - (c) in response to the order of Wednesday 18 November 2020, correspondence was received from the Department of Premier and Cabinet which included:
    - (i) certification letters on 9 December 2020 from the Department of Premier and Cabinet and the Chief of Staff of the Office of the Minister for Transport and Roads stating that all documents held by the department and office respectively "that are covered by the terms of the resolution and are lawfully required to be provided have been provided"; and
    - (ii) a certification letter on 18 December 2020 from the Secretary of Transport for NSW stating that "to the best of my knowledge all documents covered by the terms the Order and which are lawfully required to be provided have been provided by TfNSW".
  - (d) the final business cases for the Parramatta Light Rail project stages one and two have not been returned to the House under the orders of the House.
- (2) That this House notes that inadequate responses to orders for papers, as with inadequate answers to questions, is a growing concern which is undermining the ability of this House to hold the Government to account, especially in relation to the Transport cluster.
- (3) That this House:
  - (a) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*; and
  - (b) rejects the definition of Cabinet documents used in the Government Information (Public Access) Act 2009, which if followed may lead to a much broader class of documents being withheld from this House.
- (4) That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of Transport for NSW:
  - (a) all final business cases relating to the Parramatta Light Rail project stage one and stage two; and
  - (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (5) That, should the Leader of the Government fail to table the documents in compliance with this resolution, it will be a matter for this House to take necessary actions and further steps to address the issue of continued non-compliance.

Members can acquaint themselves with the recitals that precede this motion by reading the motion, as it sets out the requisite facts and the back story. I will move to the important point. On two prior occasions this House has asked the Government to produce the final business cases for the Parramatta Light Rail project, stages one and two. The Government has refused to provide those final business cases. This follows election promises made to

the people of western Sydney by the New South Wales Liberals and The Nationals at two successive elections to build both stages of the Parramatta Light Rail project. The Parramatta community and the wider western Sydney community have an interest in the Government keeping its elections promises, especially when they have been made by two Premiers at two elections in a row.

It is therefore imperative that this House get to the bottom of why the Government is frustrating, delaying and not keeping its word to the families of suburban Sydney and western Sydney especially. That is why on two separate occasions the House has ordered the production of the final business case, the key document that lays out the precise strategy the Government wishes to follow as it goes about apparently meeting its commitment. In response, the House has not received those business cases. This follows a habit that has emerged from the Transport cluster which—if I was not being as diplomatic as I currently am—I would say reeks of contempt towards the House. We had this very same battle about business cases involving the Transport cluster regarding the Western Harbour Tunnel and Beaches Link last year. The Transport cluster is now openly defying the House in spirit, because it is effectively restaging the same battles again and again to frustrate the will of the House.

I would like to think that there are sensible voices in the Government and in this place that will perhaps bring the Transport cluster to heel. I suspect this manoeuvre is being pulled by the Minister and it is reflective of the indifference that he tends to show to this House, but I am optimistic. I am sure that there are people in the New South Wales Government who would rein the Minister in when he continues to lead the Government into these pointless skirmishes and battles. Instead of turning up today with a censure motion or a contempt motion, which is open to us, I will give the Government one more chance to comply with the spirit of the House—and actually the order of the House as well. I would like to see whether it can produce the case in the next seven days. I think it is imperative on me and on this House to give the Government as many opportunities as possible to comply—at least three opportunities.

I once more move this motion to call for the third time for the production of these business cases. I sincerely hope that this time the Government reciprocates the good faith that we are showing by actually complying with an order of the House. If the Government does not and I am disappointed, and my optimism is not reciprocated by generosity of spirit from the Executive Government, then of course it is open to the House to pursue other measures. I suspect that this particular matter will be scrutinised in some forthcoming hearings that are taking place in the next two weeks. If we do not have the business cases when the House returns in March, then I can assure members that I will seek to invoke the further powers that are available. All the while, my door remains open to any negotiation the Government wishes to have about production. On that basis, I commend the motion to the House.

**The Hon. SCOTT FARLOW (20:32):** I outline for the benefit of the House that the Transport cluster respects the power of the House to use an order for papers in exercising its functions, including as a House of review. The Transport cluster will continue to work closely with the Department of Premier and Cabinet and other agencies to ensure that all requirements of orders for papers are met. Those orders can require staff to review large quantities of documents within seven-, 21- or 28-day time frames and often in the context of technological limitations. Orders for papers have collectively resulted in thousands of documents being produced to the Legislative Council, requiring considerable resources—in the "Mookhey Wing", as we have talked about previously—that have tested the available capacity within the cluster.

A response to a call for papers under Standing Order 52 can divert many hundreds of staff hours from tasks critical to the effective operation of the Transport cluster. Transport has spent over 11,230 hours dealing with orders for papers under Standing Order 52 since 2019. This is equivalent to at least 6.5 full-time public servants working exclusively on responding to orders for papers in one year, without exercising any leave entitlements. That includes 830 hours, or 118 working days, responding to the CBD and South East Light Rail order for papers; 850 hours, or 121 working days, responding to each of the Newell Highway procurement and WestConnex contract orders for papers; and 650 hours, or 93 working days, responding to the passenger service levy order for papers.

Staff are already at capacity undertaking their regular duties and any diversion of resources would likely cause significant disruption to their core day jobs, which are to maintain the public transport network and deliver key pieces of infrastructure to the community. I am advised that Transport complied with each and every order for papers under Standing Order 52 of this House relating to the Parramatta Light Rail. All documents legally required to be provided were provided and that is why the Government will be opposing this motion.

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

**Motion agreed to.**

*Motions***NORTHERN RIVERS AUSTRALIA DAY AWARDS**

**The Hon. BEN FRANKLIN (20:34):** I move:

- (1) That this House notes that Australia Day Awards acknowledge outstanding local achievement of individuals and organisations in communities across New South Wales.
- (2) That this House notes that awards are held by councils across the State to recognise those who have served the community in extraordinary ways, and can include:
  - (a) Citizen of the Year, both junior and senior;
  - (b) Sports Person of the Year, both junior and senior;
  - (c) the Arts and Cultural Award;
  - (d) the Environmental Award;
  - (e) Community Event of the Year Award;
  - (f) Volunteer of the Year Award, both organisation and individual; and
  - (g) any other honour that acknowledges outstanding dedication.
- (3) That this House congratulates the following members of the Northern Rivers community who are recipients of Australia Day Awards in 2021:
  - (a) Ballina Shire:
    - (i) Barbara Swain – Citizen of the Year;
    - (ii) Ryan Webb – Young Citizen of the Year;
    - (iii) John Beasley, OAM – Senior Citizen of the Year;
    - (iv) Geoff Harris – Senior Citizen of the Year;
    - (v) The Late Pat Kennedy – Senior Citizen of the Year;
    - (vi) Lachlan Mumford – Arts and Cultural Award;
    - (vii) Paradise FM – Community Event of the Year;
    - (viii) Maria Mathes – Environmental Award;
    - (ix) Clare Southwell – Sporting Achievement Award;
    - (x) Rotary Club of Ballina on Richmond – Volunteer Organisation of the Year; and
    - (xi) Jet Boat Surf Rescue – Volunteer Organisation of the Year.
  - (b) Byron Shire:
    - (i) Zenith Virago – Citizen of the Year;
    - (ii) Mia Thom – Young Citizen of the Year;
    - (iii) Pamela Wark – Senior Citizen of the Year;
    - (iv) Nickolla Clark – Creative Artist of the Year;
    - (v) Kiahn Ladkin – Runner up Creative Artist of the Year; and
    - (vi) Peter Mair – Volunteer of the Year.
  - (c) Lismore Shire:
    - (i) Ian Cappe – Citizen of the Year;
    - (ii) Rosslyn Sten – Aboriginal Citizen of the Year;
    - (iii) Fred Hoskins – Services in the Community Award;
    - (iv) The Lord's Taverner's Northern NSW Branch – Services in the Community Award; and
    - (v) Lismore Rugby Union 18's Colts – Sports Team/Group/Organisation of the Year.
  - (d) Kyogle Shire:
    - (i) Kay Noonan – Citizen of the Year;
    - (ii) Leo Laarhoven – Senior Citizen of the Year;
    - (iii) Peter Anderson – Senior Sportsperson of the Year;
    - (iv) Ashton Leck – Senior Student of the Year; and
    - (v) the late Tom Matthews – Special Community Achievement Award.

- (e) Tenterfield Shire:
    - (i) John Burton – Citizen of the Year;
    - (ii) Phoebe Cooper – Young Citizen of the Year;
    - (iii) Neville Smith – Emergency Services Volunteer of the Year; and
    - (iv) Grassroots Enduro "Tenterfield Terror" – Community Event of the Year.
  - (f) Tweed Shire:
    - (i) Jenny Hayes – Citizen of the Year;
    - (ii) Michael Reid – Individual Volunteer of the Year;
    - (iii) Les Hardy – Individual Volunteer of the Year;
    - (iv) Murwillumbah Hospital Coffee Shop Volunteers – Group Volunteer of the Year;
    - (v) Tweed Valley Equestrian Group Power of Pink Fundraiser– Community Event of the Year;
    - (vi) Gemma Eaton – Sporting Achievement Award; and
    - (vii) Tj Kleeman – Young Achiever in Community Service.
- (4) That this House congratulates and thanks all award winners across New South Wales for their selfless acts of service, their commitment to their local communities and the dedication they display in supporting our towns and cities.

The awards bestowed upon members of our community on Australia Day each year are one of the most significant honours that the people of our nation can receive. This can be said for every single award that is offered and received. Whether it be on a national level with the Order of Australia, at a State level or at a local level with individual councils offering awards acknowledging the extraordinary service of individual members of that community, every single award is significant. They acknowledge the outstanding work that people do for their community to contribute to our society and help make the world in which we live a better place.

At the outset of this debate I ask that if members of this place choose to speak on this motion today they do so in spirit in which it is meant, which is to celebrate the achievements of people in our towns—regardless of which day of the year they were given the award. It is fair to say that as a society—and certainly in this place—we do not always see eye to eye, but I believe no matter where you live or the politics that you follow, these awards, which are given across the political spectrum, are a worthy recognition of all the recipients have done and will continue to do.

Across New South Wales we have seen doctors, nurses, members of the Rural Fire Service and the NSW Police Force, emergency service personnel, teachers and those people who have been at the front line all recognised for the work that they have done as first responders. They are people who have been dealing with the extraordinary events of the past 12 months. Again and again we have seen those people being honoured in the awards at all levels this year. Others we have seen honoured for their service to this State include small business owners, university professors, artists, tradies and so many others.

The diversity among this year's winners continues to demonstrate that these awards are not for the highest paid, the highest ranked or the most popular. They are based on merit, fortitude and, above all, service beyond oneself and a sense of service to our nation, our States and our towns without asking for anything in return. Each year we see Australia Day award winners, who give so much of themselves and who sacrifice their time to do what is good and what is right. They are the pillars of the community that we aspire to, and I am so grateful for their example of what it means to be selfless.

It is always a privilege and a pleasure to share in the successes in my local community on the Northern Rivers, and these awards are the perfect opportunity to acknowledge and thank some incredible people. I extend my sincere congratulations to every winner and nominee across the Northern Rivers who has been recognised for their service. Like all members of this House I had the opportunity to attend a number of Australia Day ceremonies, and I particularly highlight the ceremonies held by Ballina and Byron shire councils. When the nominees and the winners were announced every single one was so humbled to be considered and celebrated for the work that they have done and continue to do. One trait that I noticed about each winner was that their shock and surprise was genuine. Not a single person felt entitled to that award or that they needed to be recognised for their work—a quintessentially Australian characteristic and one that can make us all proud. They do what they do because they love the community they live in and strive to make it a better place for us all.

I have listed a range of people in my motion from across the region I live in. I could speak about them all tonight, but members will be delighted to hear that I will not do that. However, I acknowledge six individuals spanning a range of demographics and achievements from the six council areas I have noted in the motion. I will start with Lismore Citizen of the Year, Dr Ian Cappe, who was recognised for his services to health in the local

community. Ian has lived in Lismore for 34 years and works as a radiologist. He has been instrumental in providing access to specialist care. He is a pioneer of interventional radiology, which involves performing a range of specialised imaging on the body that can be used to diagnose injury or disease. Ian uses that method to support procedures such as the removal of kidney stones where there is minimal access.

Ian's experience and specialisation in the field has meant that patients in the Northern Rivers can be treated locally for many medical issues that might otherwise have forced them to travel to a larger scale hospital. His passion for health care has also taken him abroad. He has volunteered with the World Health Organization and the Pacific Islands Project to teach in Tonga and Samoa. There he has helped to change the health outcomes for many local people, particularly women, through his involvement with the breast screening program. Our entire community—in fact, I dare say our nation—is deeply grateful for Ian's advocacy for regional health. I am delighted to recognise him in this place today.

I also acknowledge Ryan Webb, who was named Ballina Shire Young Citizen of the Year. Ryan is not yet 20 and he has already achieved what most of us can only dream of. He has an unparalleled passion for helping others, which began when he was 13 when he went volunteering with his father at a leper colony in Nepal. More recently Ryan travelled to Africa with a Ballina not-for-profit organisation called Kenya Health. He helped to provide medicine to over 2,500 villagers and distributed glasses to people with poor eyesight so that they could see and read again. On a local level, Ryan actively mentors young people in Alstonville and also volunteers with the North Coast mental health support group and with Five Loaves Ballina, which is a mobile soup kitchen. That is a young man who holds a deep-seated commitment to social justice and has a true passion for helping others. Ryan's desire to do good and create a better life for others is admirable. He has touched the lives of many people abroad and at home and is someone that we can all aspire to emulate.

If you know Kyogle, then you know Leo Laarhoven. Leo is Kyogle's Senior Citizen of the Year and you would be hard-pressed to find a more deserving recipient. Leo was honoured with the award for his service to community organisations throughout the Kyogle and Northern Rivers region. Leo has been a member of the Rotary Club of Kyogle for 26 years, and with his fellow volunteers he has helped change the face of the local community through the support that the club has provided to individuals and organisations. As a member of the Kyogle and District Historical Society, Leo has given up much of his time to ensure that the history of Kyogle is preserved and shared with future generations—and he has not stopped there. Leo is involved with many other local organisations including the SES Auxiliary, the Kyogle Garden Club and the fundraising committee for the Norpily fire victims. Leo is a true man of the community who has set an incredible example of what it means to serve others.

Art is another area in which awards are given on Australia Day. The Byron Shire Creative Artist of the Year award went to Nickolla Clark. Nickolla is a proud Arakwal women of the Bundjalung Nation and a young artist from the shire, who has already left a beautiful mark on the community that I too call home. Her artwork depicts ancestral country and uses dots and fine lines to express the knowledge and Dreamtime of her people. Nickolla's recent work in the community has been profound. She was one of the lead artists on the Mullumbimby Gateway project, which is a landmark site in the Byron Shire that I was honoured to open at the end of last year. The project was designed entirely by local artists to celebrate the history and Indigenous heritage of the area. It perfectly encapsulates the spirit of where we have been, where we are and where we are going. Nickolla was also the lead artist on Byron Bay's Railway Park refurbishment. The education Minister is passionate about Byron Bay and has spent many holidays there. No doubt she and her children would have seen the brilliant, nationally awarded refurbishment of Railway Park.

**The Hon. Sarah Mitchell:** They enjoyed it very much.

**The Hon. BEN FRANKLIN:** I am sure they did. Nickolla's work involved returning the area to a meeting place that the community can be proud of. She involved local Arakwal youth in the project to design the artworks that would be sandblasted onto paths in the park. The artworks were based on themes such as sacred sites, tools, weapons and the practice of law in Aboriginal culture. Nickolla's work has made huge inroads in integrating Indigenous artwork into the identification of our local area, and it has also ensured that our region's Aboriginal history is shared with locals and visitors who come to the community. Her commitment to sharing culture, engaging with the community and mentoring younger students will ensure the continuation of proud Aboriginal heritage throughout the Byron Shire. Her award this Australia Day was incredibly well deserved.

Further leading by example in the community is Tenterfield's Neville Smith. Neville was named Tenterfield Shire Emergency Services Volunteer of the Year for his work with the Rural Fire Service. Neville's bravery and determination was on full display during the September 2019 bushfires, which devastated the local community. Neville was engulfed in flames and severely burnt as he fought to save homes and properties when the wind quickly changed direction, destroying his truck. Neville suffered burns to his extremities and airways, which meant he needed to remain in intensive care for a long time. Now on the road to recovery, Neville



contributes to Community Transport, which provides support by driving people to medical appointments that they may otherwise be unable to get to on their own. Although Neville could not be at the Tenterfield shire ceremony to accept his award in person, it is wonderful that he has been recognised for his selflessness as a volunteer firefighter, and it is a privilege to thank and congratulate him in this place today.

The final recipient I acknowledge is Gemma Eaton, winner of the Tweed Shire Sporting Achievement award. Gemma is a local tennis coach who has made outstanding contributions to the sporting lives and opportunities of young people in the Northern Rivers region. With a focus on making sport more accessible to everyone, Gemma has dedicated herself to providing children with the chance to join a sporting club, no matter their background or level of ability. Gemma has also been an advocate for children who live, learn and compete with a disability, and she has provided them with opportunities to learn skills, techniques and the craft of the game of tennis. Sport holds incredible benefits for players of any age, both socially and for individual wellbeing. Gemma's passion for ensuring that as many young people as possible can access sport is truly admirable. I look forward to seeing the continuation and growth of her endeavours within the Northern Rivers community.

Of course, these are only a few communities and only a few individuals. Every single community in the State is special. Each person who has been nominated and honoured with a local award in the community they represent holds a special place in the hearts of their towns and cities. From Walgett to Wagga Wagga and Broken Hill to Balmain, we are so grateful and proud to have wonderful Australians in our communities. Prime Minister Scott Morrison spoke at this year's national awards and touched on our strength as a nation. He said:

The story of Australia is of a people who persevere and overcome—who know that reward and effort, enterprise and fairness, justice and hope, accompany each other. Our stories now number more than 25 million Australians, they are all important, they are all respected, woven together to make us strong.

That last phrase is significant: Our stories number more than 25 million. Every story is different and every life path is unique. I believe as people we hold the same values dear and we all want the same things from life: to be heard, to be seen for who we are, to contribute to our community and to have that contribution respected. Through these awards, we see and hear about the people of our towns and cities who go above and beyond to serve without asking for anything in return. They are deserving of the honour that they have received this year, and it is a privilege to acknowledge them in Parliament today. I commend the motion to the House.

**The Hon. WALT SECORD (20:47):** As the shadow Special Minister of State, I lead for Labor in debate on the motion in support of the Australia Day awards. I thank the Parliamentary Secretary for Energy and the Arts, the Hon. Ben Franklin, for bringing the motion to the Chamber. Labor supports and recognises local individuals who tirelessly work for their community, especially those who are at the heart of their community. These awards are a celebration of achievement and giving as well as of selflessness. I remember when I was a junior staffer at Waverley Council between 1991 to 1992 there was much excitement at the Australia Day local awards. Those awards were given to people who had volunteered for 30 or 40 years in organisations, people who had worked for Meals on Wheels, in community groups and volunteered at libraries and others who worked with people with disabilities.

I also support the individuals the Hon. Ben Franklin has referred to in the motion, although I do not know them as individuals. Having said that, I do know the work of one of the individuals the Hon. Ben Franklin mentioned and that is Ms Jenny Hayes, who was recognised for her environmental activity, particularly koala protection on the North Coast. Jenny was a recipient of the Tweed Shire Citizen of the Year Award. In fact, on 15 August 2012, I paid tribute to her and recognised her work in koala protection in my adjournment speech. While on the subject of Australia Day awards, I will make a brief observation on the current controversy over Companions of the Order of Australia [ACs], AOs, AMs and OAMs.

I wholeheartedly support the official honour system. I am familiar with the Australian system and the Canadian honour system. In fact, I set my alarm to 12.01 a.m. on Australia Day to get up and read the first editions of the various newspapers to see who has received gongs and been awarded. I read and review those in the early hours of the day. I then go to specific news services to find out more. My good friend Henry Benjamin runs J-Wire and he provides a very thorough and comprehensive run-down of various members of the Jewish community who receive awards. That said, when it comes to the Australia Day awards, there is scope for wider recognition in the community. There is also scope for a revamping to ensure that the awards reflect the diversity of our community and scope for how they can be determined and awarded.

I share the view of the Hon. Ben Franklin that most of the people who receive these awards, particularly people who receive OAMs, are the quiet heroes. They are the people who are most shocked and most surprised when they receive an award. One person that I encountered hid Jews in his attic during World War II. He thought that he was a profound failure because he did not save more people. The quiet achievers are shocked and surprised at getting awards themselves. I want to be gentle in this next observation, but I do have concerns about giving awards to senior departmental secretaries in Canberra. In many cases those individuals are on larger salaries than

the President of the United States. They get significant awards and letters after their names and they have had a lifetime of being paid to be in their positions. I struggle with senior public servants in Canberra getting the awards. They are paid handsomely.

I will end my remarks with a small reference to the recent controversy about Margaret Court. The decision to elevate her was unnecessary and undermined the awards system, and the decision in 2015 made by then Prime Minister Tony Abbott to award a knighthood to Prince Philip was ill-conceived. That said, I support the national awards system. It recognises individuals who contribute greatly to the community, but there is scope to revamp and reshape it. The elevation of Margaret Court and the knighthood awarded to Prince Philip put a question in the minds of some people. Those who receive OAMs are the salt of the earth and are genuinely surprised when they receive an award. I support the awards, but I would like to see more people receive recognition at the OAM level.

**The Hon. MARK LATHAM (20:52):** It is not often that I disagree with the Hon. Walt Secord these days, but I will disagree on the question of Margaret Court and what is happening with the Australia Day awards. Margaret Court was apparently given the AC award by the awards committee on the basis that Rod Laver, who some argue was the greatest male tennis player ever, received that honour. As unquestionably the greatest Australian and possibly international female tennis player ever, Margaret Court deserved something comparable. That is the official reason.

You cannot back in any of the outcry about Margaret Court's religious views because she has been substantially fitted up about what she supposedly said on community or religious radio in Perth. I listened to the interview and saw the transcript. The words she spoke were directed at the Safe Schools program, describing it as evil. I agree in large part with what she had to say. She certainly was not directing those comments at transgender people and children. There has been an enormous fit-up here. A number of lazy journalists continue to misrepresent that interview on Perth radio about someone who is now in her eighties. The way it has been misrepresented is quite shameful. Why people do not do original research, listen to the interview and read the transcript, I do not know. She was fitted up. I suggest to the Hon. Walt Secord and other honourable members that particularly from a social justice perspective Margaret Court well and truly deserved the upgrading to the Companion of the Order of Australia [AC] status, and not just for her tennis achievements.

A couple of years ago I had the pleasure of visiting the enormous compound she has created in Perth to help the needy. Regardless of their politics, ideology, sexuality, gender, race or any other personal attributes, people come there on the basis of need. My family and I had the honour of being shown around that compound by Margaret Court herself. It was very clear that people down on their luck, people with mental health problems, people who need a food parcel, people who need friendship, counselling, a hug or just a sense of belonging in society—many thousands of them—go through that compound each year in Perth.

Margaret Court could easily have retired as a tennis great, sat back on a waterfront property in Cottesloe and enjoyed the social life in Perth, enjoyed her family and enjoyed political associations. Instead of taking the easy life, she dedicated her post-tennis career to helping the needy. The compound is the equivalent in size of a government department. I have never seen as big and as extensive an area servicing the needy in any part of the country—and I have looked around a fair bit. I am not a religious person but if religion does that good in the community we need more of it. That is my view—anything that helps the needy. I saw people in the waiting room and the service and help they were getting. We need more of that. Voluntary effort and community support is such a wonderful thing.

I know that these days the Labor Party thinks it all needs to be state-led top down but there must still be room for community voluntary effort to help those in need. I suggest that all of Margaret Court's critics combined would not have helped as many needy people as she has at that compound—that amazing facility in the outer part of Perth. I think that on that basis alone she deserved the honour. I have to say I sometimes feel physically sick when I hear the criticism of her—that somehow she is a bad person; she is a bigot; she is against certain groups. She is a loving and caring Christian. She is a born-again Christian, yes, and she has very strong beliefs but you would not find a nicer person. When she gathered me, my wife and my children together in a prayer circle and prayed for my children it was just amazing—bearing in mind the things we saw that day.

One of the most disgraceful things I have ever seen in this country is the attack on her as some sort of bad person. She is not a bad person. She has done things for the needy that all the critics combined would not be able to match. I put that to the Hon. Walt Secord as a personal experience. I am a nonbeliever but I am someone who does believe in voluntary assistance to help the needy. I think we should salute Margaret Court as a great Australian. She is someone who grew up in our State, in Albury, and became a tennis great. I do not necessarily understand or relate to the views of born-again Christianity but I know the background of Israel Folau.

He grew up in my former Federal constituency. I have been there and seen the good that Margaret Court has done. In a world of polarised politics, division, conflict and the outrage and attacks of social media, there must

be room for the gentle born-again Christian who has a certain set of beliefs and goes out of their way in a very caring fashion to look after people in need. Let us not have the nonsense of attacking Margaret Court. It is ridiculous. It is a misrepresentation and, in terms of the enduring values and purpose of social justice, it is completely unfair.

**The Hon. WES FANG (20:50):** I join in debate of the motion moved by the Parliamentary Secretary and my good colleague and friend the Hon. Ben Franklin. While I had a prepared speech, with all the talk about people and awards, I decided that if I am going to talk about one thing it is my Australia Day experience in Tumut, about an hour's drive south-east of Wagga Wagga. I joined the community for its Australia Day celebrations. No matter when I go to Tumut, there is one person who is always there. Her name is May Doon, OAM. Her ethnicity is Chinese but she is a quintessential Australian. While May and I identify with the cultural heritage that we have, we also identify with being Australian. May is an amazing lady. I will not take a guess at her age, but I would imagine she is quite a bit older than me. In 1991 she was the Tumut Citizen of the Year because of all the charity work she used to do. In 2004 she was awarded the Medal of the Order of Australia.

I first met May when I went to Tumut to join in with the presentation of a cheque to the hospital by the Tumut Cycle Classic. May was there in her Lions Club shirt. We had a great chat and really got to know each other. Fast forward to when the fires were happening in Tumut last year: May was making sandwiches in the fire centre with all the other volunteers. It was wonderful to see her in the front row when I presented awards at the citizenship ceremony in Tumut this year. I grabbed her and we got a photo. That photo of the smaller statured lady and I standing next to each other has pride of place on my social media. That is what Australia is about.

It does not matter what your ethnicity is—whether you are famous like Margaret Court or whether you are a secretary in a department in Canberra—Australia Day is about recognising Australians who have made a difference in their community. May Doon has certainly done that. We were able to honour so many wonderful people that day. Australia Day Ambassador Peter Wilkins from *ABC Sport* was there. John Cruise was the Snowy Valleys Citizen of the Year for his work with the Camp Hudson recreational camp. Dr Tarek Sari, who organised the Tumut Cycle Classic, was awarded Citizen of the Year. That was fantastic. The regional Young Citizen of the Year awards were presented to Aaron Tuilau, Arthur Smith and Edward Smith, who together helped save a man who was drowning in a pool.

We were also able to honour a number of other people on the day. Their awards were primarily presented for the contribution they made during the bushfires. I thank those in Snowy Valleys Council who were able to put together a fabulous day, complete with bacon and egg rolls, and provide the community with such a contrast to what we had seen the year before. I joined mayor James Hayes, general manager Matt Hyde and Councillor Andrianna Benjamin for the day; it was truly a fantastic event. I again commend the Hon. Ben Franklin for bringing the motion to the House and thank him for the opportunity to speak about those wonderful people in the community, who do such a fantastic job.

**The Hon. SAM FARRAWAY (21:03):** I speak on the very important motion of my colleague the Hon. Ben Franklin. Like me, he is a strong advocate for, and huge supporter of, the communities across the Northern Rivers. I acknowledge the Central West of New South Wales and the communities that celebrated the achievements and contributions of local people and organisations on 26 January. After the hardships and uncertainty of 2020, it was great to start 2021 in Orange with a day filled with arts and crafts, dance, music and great conversation. The community came together to celebrate and be grateful for our beautiful region and the people who call it home. I was joined by parliamentary colleagues to welcome and congratulate 18 new citizens, each representing a different nation. It was a display of the growth of Orange as a true multicultural regional success story. I acknowledge the hard work by local community members to help others and make Orange an even better place to live for everyone.

The 2021 Orange City Council Citizen of the Year is Bev Rankin. Bev works tirelessly to help vulnerable members of the community gain access to food and safe places to sleep. Nine months ago, together with other volunteers from the local Uniting Church, Bev sought a \$2,000 grant from the Orange City Council to provide hot meals to those who had hit hard times and could no longer afford the luxury of a hot meal. The group received a grant of \$10,000 from the council and now feeds over 100 people per week. They make a real difference in the community in these uncertain times. On top of her volunteer commitments, Bev was a foster carer for over 20 years. She helped young people in the community find a stable home in order to give them every opportunity to be their very best. What a special person Bev is. She wears many hats in the local community, and it was a pleasure to meet her on the day and thank her for all that she does.

Big congratulations to Young Citizen of the Year Jordan Wright. The Community Group of the Year was awarded to the City of Orange Eisteddfod Committee. The Community Event of the Year was awarded to the Light Up Orange New Year's Eve laser show and the Business Philanthropy award recipient was Kennards Hire, Orange. We were fortunate in Orange to hear from Australia Day ambassador and one of the top four Australia

Day Local Hero nominees, Lana Masterson. Lana runs Down The Track, an innovative and life-saving youth program based in Lake Cargelligo in the Lachlan shire. Previously the program has won the award for NSW Youth Service of the Year. Down The Track targets the region's most marginalised young people who face family violence, suicide, unemployment, homelessness and poor mental health in a region that has been ravaged by drought. Almost single-handedly Lana has united police, teachers, politicians, businesses and Elders to keep kids alive and out of jail. It is truly a special and life-saving program like no other in the area.

Lana's Down The Track program has allowed young people to gain skills, participate in social enterprise, become work ready and re-engage in their community. Since the program's 2016 inception, youth crime has fallen significantly. Just as importantly, the program has created a connection between all involved and given young people a sense of worth. Lana and her small team are saving lives. At only 31 years of age Lana is humble when it comes to all that she has achieved through this program and does what she does out of love for her community. I acknowledge Lana on being named Lachlan Shire Council Citizen of the Year for 2021. Alongside Lana, I also acknowledge Lachlan Shire Young Citizen of the Year, Emily Sinderberry, secretary of the Condobolin Chamber of Commerce, and Gail Copeland, who was awarded the Community Service award for her many volunteering positions and being the unofficial ambassador for Condobolin.

Bathurst Regional Council had to change things up this year and celebrate Australia Day in a slightly different fashion. New Australia Day medallions were presented as well as the Jo Ross Greening Bathurst award. There were no citizen or young citizen of the year awards for 2021. Bathurst Regional Council invited 2020 Citizen of the Year Bob Cassidy and 2020 Young Citizen of the Year Natalia Burgess to hold onto their awards for another 12 months. It will enable them to fulfil their roles, following the disruption of COVID-19 in 2020. In Bathurst we do not do anything half-heartedly. The celebrations this year were held over four days in order to encourage residents and visitors to stay within the region and support local businesses. Tuesday 26 January marked the final day of celebrations, with an Australia Day triathlon being held. We also welcomed eight new citizens from the Philippines, Croatia, Ireland, South Africa, Vietnam, the United Kingdom and the United States of America and presented them with a Bathurst region Australia Day medallion.

It was a pleasure to participate in the presentation of the Australia Day medallions in my home town and to acknowledge those who have gone above and beyond to make Bathurst a great place to live, work and play. Recipients of the Australia Day medallions were Bathurst Seymour Centre, Bernadette Sinclair, Darren Sturgiss, David Sherley, Donna Sollorz, Eglinton Rural Fire Service, Gwendoline Laird, Jan Hudson and NSW Ambulance Bathurst Division. The Bathurst Regional Youth Council was acknowledged for its outstanding work finding new and creative ways to keep the community engaged in events, both pre-COVID and during COVID. Those events include Grandparents Day, International Women's Day, Kelso Community Hub Christmas Party, International Youth Day and R U OK? Day. Members of the 2020-21 youth council who were acknowledged for their outstanding work were Angus Cooke, Benjamin Davis, Bethany Donaldson, Bonnie-Skye Wright, Grace Lynch, Jack Lynch, Jennessa Eggins, Joshua Borland, Maddison Sufong, Natalia Burgess, Nyoaki Pearce, Travis Barrie, Tristen West and Zoe Peters.

If all of those inspirational people were not enough for those in attendance, we also heard from Australia Day Ambassador, Paralympic gold medallist and world champion Lindy Hou, OAM. Lindy suffers from a degenerative eye condition called retinitis pigmentosa. In the mid-1980s she began losing her sight. Now she is almost totally blind. That did not stop Lindy from achieving her childhood dream of winning gold at an Olympic Games as she moved away from ball sports and jumped onto a bike. The Athens Paralympic Games were a triumph for Lindy. Not only did she make the team with pilots and Bathurst locals Janelle Lindsay and Toireasa Gallagher but she and Janelle also had the honour of being the first Australian females to win gold at the Athens Paralympic Games. She came home with a total of four medals. During the games, Lindy and Janelle set the world women's 200 metre fly record of 11.675 seconds. On 19 September 2005, exactly one year later, when Lindy and her pilot Toireasa Gallagher set the one-hour world women's tandem record of 42.93 kilometres at the Sydney Dunc Gray Velodrome, Lindy held the shortest and the longest world records recognised by the Union Cycliste Internationale, the UCI, the governing body for world cycling.

Lindy's story and all that she has achieved in the face of adversity are remarkable. She was an inspiration to all in the room, particularly to the local youth council members who were in awe of Lindy's strength and determination to achieve what many in her position would deem unachievable. Australia Day is a day to reflect, respect and celebrate the Australian spirit and the very best of this great country—our mateship, our sense of community and our resilience. Our regional communities experience tough times. Certainly over the past 12 months and beyond they have experienced tough times. Often they are faced with the worst of the worst from Mother Nature, yet they still celebrate the good that comes from adversity and they acknowledge those in the regions who make it that bit easier to deal with.

I congratulate all Australia Day award recipients across regional and rural New South Wales. I welcome all those who have chosen Australia as their new home. I thank all the people who were nominated and recognised by others in their communities for all their hard work. Our communities, including my home town of Bathurst and my colleague Ben Franklin's Northern Rivers, are better places because of the people in them. It was great to visit so many communities on such a special day to celebrate and be inspired by the achievements of others. Again, I thank my Nationals colleague the Hon. Ben Franklin for moving this motion. I commend it to the House.

**The Hon. BEN FRANKLIN (21:13):** In reply: I thank all of my colleagues who have spoken on the motion: the Hon. Walt Secord, the Hon. Mark Latham, the Hon. Wes Fang and the Hon. Sam Faraway. I do not intend to dwell on or address some of the more controversial or heated issues that have been raised. All contributions made in this House had one thing in common. Each contribution acknowledged people who had given of themselves for the community—selfless people who put the good and value of others before their own personal interests, not for recognition or payment but because they are good and decent people and genuine Australians who want to make this country better. That is what every single contribution had in common. I thank honourable members for their contributions. I know that the five of us who spoke to the motion spoke on behalf of all 42 members of this place in thanking the unsung heroes of our State and nation for their extraordinary contributions to making our society a better place to live.

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

**Motion agreed to.**

#### *Documents*

### **WESTERN SYDNEY AIRPORT RAIL LINKS**

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

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

That private members' business item No. 1017 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (21:15):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2014 in the possession, custody or control of the Premier; Department of Premier and Cabinet; Minister for Planning and Public Spaces; Department of Planning, Industry and Environment; Treasurer; The Treasury; Minister for Transport and Roads; Transport for NSW; Sydney Trains; or Sydney Metro relating to Western Sydney Airport rail links:

- (a) all cost-benefit studies and government assessments of all possible rail links, including Metro and heavy rail, servicing the Western Sydney Airport, Badgerys Creek site; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I note there will be an amendment by the shadow Minister for Roads, the Hon. John Graham, adding papers for the M12 roadway. When he moves that amendment, I ask that he make a further amendment and add the western Sydney and aerotropolis authority Minister and to the agencies from which we are calling for papers. The call for papers under Standing Order 52, like so many of these matters, comes from non-answers to questions on the *Notice Paper*. The Government has not produced the information, so as a Parliament we are forced to use the mechanism under Standing Order 52.

The Western Sydney Airport rail links are very important because they are big infrastructure projects along with the M12 road links to and from the Badgerys Creek airport site. One of the difficulties the Government has with its overrun of costs for big infrastructure projects is the lack of transparency and the lack of public scrutiny to get them right before the finances are blown out. I have a very strong belief that in the cost-benefit analysis of all the options, the strongest result arises from extending the Leppington heavy rail line to the Badgerys Creek airport. That cost-benefit analysis apparently shows that the economic and employment benefits are maximised because it would bring in the Liverpool to Campbelltown economic corridor.

Yet the Government, in its first priority for linking the Badgerys Creek airport site to the transport grid, has pursued expenditure and made announcements about metro stations for Badgerys Creek to St Marys. That defies common sense and also the words of the former head of the aerotropolis, Sam Sangster. At public expense, he visited the business park outside of Tokyo and said that if a second international airport is going to be done, the key is a fast rail link to the centre of the major city. Sam Sangster is gone now, possibly because the fast rail link has not been this Government's priority. Why have a public servant travel the world looking at business parks

and second airports in other nations, come back with the conclusion that the fast rail link is essential and not do the obvious thing to get it to Badgerys Creek?

If the Government extended the heavy rail from Leppington to the airport site, there is a chance for a fast rail to be run through Glenfield, link to the existing international airport at Mascot and into the CBD. But the Government's plan to have a metro to St Marys and then change there to heavy rail into the centre of Sydney is not a fast rail link at all; it is at least a 100-minute journey. That in itself is a problem. Other anomalies have arisen. Seemingly without any public discussion or scrutiny, there is now a proposal for a Badgerys Creek to Parramatta metro. There is also the Badgerys Creek to Macarthur metro.

Surely the Government must have looked at the cost-benefit analysis of those four options: Parramatta, Macarthur, Leppington extension or St Marys. There must be a ranking to show how western Sydney would get the maximum employment benefit. I am led to believe that it is the extension of the heavy rail. I have asked those questions on notice and got nowhere. The Government should produce the documents to provide the transparency and accountability to the Parliament that the expensive St Marys project is not being decided on grounds other than its cost benefit. Is there a possibility that, once again, all roads lead to Penrith, which is a marginal seat? Is there some political advantage that the Government sees to going to St Marys instead of through the Leppington-Badgerys Creek extension?

I have mentioned the benefits of that heavy rail extension for Liverpool and Campbelltown employment zones, particularly their industrial areas. It is much needed because it would also quite substantially service the emerging population corridor from Austral out to the aerotropolis. The public has the right to know how it stacks up on a cost-benefit analysis, which is the purpose of this Standing Order 52 motion. I welcome the prospect of the Hon. John Graham's amendment and ask him to include that extra call for papers from the Minister for Jobs, Investment, Tourism and Western Sydney and the aerotropolis authority, as well as the papers he wants produced regarding the work that was done on the M12 motorway. I commend the motion to the House because it is an important issue and we will learn a lot about what is happening in western Sydney.

**The Hon. NATALIE WARD (21:21):** On behalf of the Government, I oppose the Hon. Mark Latham's motion. The Transport cluster respects the power of the House to use an order for papers in exercising its functions, including as a house of review. The Transport cluster will continue to work closely with the Department of Premier and Cabinet and other agencies to ensure that all requirements for orders for papers are met. Those orders can require staff to review large quantities of documents within time frames of seven, 21 or 28 days, often in the context of technological limitations. As honourable members are aware, orders for papers have collectively resulted in thousands of documents being produced to the Legislative Council, requiring considerable resources that have tested the available capacity within the cluster. A response to a call for papers under Standing Order 52 can divert many hundreds of staff hours from tasks critical to the effective operation of the Transport cluster.

Since 2019 Transport has spent over 11,230 hours dealing with Standing Order 52 motions. That is equivalent to at least 6.5 full-time public servants working exclusively on responding to orders for papers in one year, without exercising any leave entitlements. That includes 830 hours, or 118 working days, responding to the CBD and South East Light Rail order for papers; 850 hours, or 121 working days, responding to each of the Newell Highway procurement and WestConnex contracts orders for papers; and 650 hours, or 93 working days, responding to the Passenger Services Levy order for papers. Staff are already at capacity in undertaking their regular duties and any diversion of resources would likely cause significant disruption to their core day jobs of maintaining the public transport network and delivering key pieces of infrastructure to the community.

The scope of the order does not assist the House because a definitive document covering the rail needs for the western Sydney community already exists in the 2018 Western Sydney Rail Needs Scoping Study. That joint scoping study explores the options for passenger rail services to support western Sydney and the Western Sydney Airport. It was formulated following extensive community consultation in 2016 and is publicly available. In December 2020 Transport responded to a Standing Order 52 motion on Western Sydney Airport. I invite members to ask questions regarding that material before abusing processes by requesting more material. If the motion is passed it should be time-limited to contemporary thinking on western Sydney rail needs and to documents of named initiatives rather than a vague and broad description of "all possible rail links". It should also be amended to clarify the term "government assessments". I respectfully oppose the motion.

**The Hon. JOHN GRAHAM (21:23):** I speak for the Opposition in debate on this motion. The Opposition supports the call for papers. I am mindful of the view that has just been put by the Hon. Natalie Ward. I encourage Government members to negotiate with the member who has moved the motion if they hold those views and do what they have done with other members, which is to prune the motion back if it is causing the sort of problems that have been described. That process is starting to work more effectively and I encourage it to be used in this matter if appropriate.

I object to the idea that Transport is a free-flowing font of information. That has not been my experience during budget estimates or this process. Having dealt with a number of other agencies that have conducted themselves in a professional way, I was shocked by some of the information that Parliament was initially getting back from Transport, with some notable exceptions. I hope the quality of the information received continues to improve. Important public policy questions have been raised, but why do some of these routes seem to be slower and more expensive, yet have still been chosen? This question has been raised in the debate not only in the House but also in the western Sydney community. For public policy reasons, Opposition members support the motion as it stands. However, we would like to add wording about the roads in the area related to the airport. Accordingly, I move:

That the question be amended as follows:

- (1) Insert "Minister for Western Sydney and Aerotropolis Authority" after "Sydney Metro".
- (2) Insert after paragraph (a):
  - "(b) all correspondence and briefings created since 1 July 2019 relating to the timing and progress of approval and construction of the M12 motorway."
- (3) Omit "Western Sydney Airport rail links" and insert instead "Western Sydney Airport rail and road links"

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I would like the amendment in writing so that members can see it.

**The Hon. JOHN GRAHAM:** I conclude by saying that the Opposition has concerns about the progress of the construction of the M12, which is two years behind schedule. Opposition members want it built by the time the airport opens. Construction of the airport and construction of the road is going to be a close race. If the road is not in place by the time the airport opens, Sydney will not have a second airport but will instead have another car park. That is what lies behind this amendment. I commend the motion as amended to the House.

**The Hon. MARK LATHAM (21:27):** In reply: In response to the points made by the Hon. John Graham, there is one easy way for the Government to resolve this issue if it takes up too much staff time to locate and produce the required documents: Answer the questions on notice. I first put questions about the relative cost-benefit assessment of the potential rail lines at Badgerys Creek when I was elected to Parliament in 2019, and I did so again in 2020, but at no time has the Minister provided the answers.

This could have been resolved by the Minister and his staff producing a couple of paragraphs to say, "Here's the cost-benefit ranking for Badgerys Creek to Macarthur. Here's the one for the Leppington extension. Here's the one for Parramatta. Here's the one for St Marys." That would have taken up only half a page in *Hansard*. If producing the original documents for the benefit of the Parliament takes up too much staff time, the Government should instead answer the questions on notice. The capacity of this Government to produce non-answers is amazing and at the point of embarrassment.

The other point that has been made relates to the definition of the term "Government assessment". What could it mean other than that there is a cost-benefit study produced for the four possible rail lines and then there is a Government assessment of what it is going to do? How do we get from the point where the Leppington extension has the highest cost-benefit assessment—something I am sure the economic study will show; I would bet my own money on that—to spending billions of dollars on the Metro extension between St Marys and Badgerys Creek?

In between there somewhere is a Government assessment and documents that state, "We have got to do this because of Stuart Ayres' marginal seat in Penrith", or because of some other theory or possibility that has come up. The public deserves to know. This decision at St Marys undoubtedly is costing job creation in Liverpool and Campbelltown—that is what the economic studies show. The public have a right to know how we got from the point of maximising jobs to what I believe is a decision made on maximising votes. That is plainly wrong. That is why we should have transparency. That is why the Minister should have answered the questions on notice. The people in western Sydney and all the taxpayers who put money into the construction of the St Marys metro need to know the truth, and that is all we are doing here.

If the Government will not produce the truth on notice, the Government should produce the truth by public servants finding those documents. It is not a big search; there will be four econometric studies and a cost-benefit analysis of the four possibilities for the rail lines we are talking about. Produce those, produce the Government notes and the assessment that followed—I am sure that is a day's work for one person—and then we will know the truth and we can get on with the job of accountability.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The Hon. Mark Latham has moved a motion, to which the Hon. John Graham has moved an amendment. The question is that the amendment of the Hon. John Graham be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.***Bills***PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (AQUATIC ANIMAL RECOGNITION)  
BILL 2021****First Reading**

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

**Second Reading Speech**

**The Hon. EMMA HURST (21:32):** I move:

That this bill be now read a second time.

Today I am proud to introduce the Prevention of Cruelty to Animals Amendment (Aquatic Animal Recognition) Bill 2021. Aquatic animals are some of the most overlooked and mistreated animals in our society. Trillions of fish and shellfish are killed globally each year for food, more than any other animal. So little regard is given to those animals and their suffering that we do not even know exactly how many are killed. We can only estimate because the industry measures their deaths in tonnes, not as individual lives lost. Some aquatic animals are so overlooked that in New South Wales our animal protection legislation does not even recognise many of them as being animals. The consequence is that those aquatic animals are not afforded the most basic, fundamental protections against animal cruelty. This bill will change that.

The bill will ensure that cephalopods such as octopuses, squid and cuttlefish, and crustaceans such as lobsters, crabs and prawns are recognised in the definition of "animal" in the Prevention of Cruelty to Animals Act 1979, also known as POCTAA. This will have the flow-on effect of ensuring that those animals are protected by the provisions of POCTAA, which provides that an individual must not be cruel or neglectful towards an animal. Right now, octopuses are not even mentioned in POCTAA.

That means someone could abuse, smash, disfigure or beat an octopus to death without facing any criminal charges or penalty, and this would be perfectly legal because octopuses are not defined as animals. The exception is octopuses used in research, which are covered by a national code of practice. This highlights the inconsistent ways in which these animals are classified under our laws. Perhaps even more bizarrely, POCTAA recognises some crustaceans as animals, but only when they are:

... at a building or place (such as a restaurant) where food is prepared or offered for consumption by retail sale ...

This is an absurd definition. If a lobster or prawn is subjected to an act of cruelty, it suffers the same level of pain regardless of where the act of cruelty occurs. But under our current laws, boiling a lobster alive in a restaurant could be considered a crime, while the exact same conduct at home would be perfectly legal. This bizarre definition highlights a fundamental problem with our animal cruelty laws in Australia, in which animals tend to be afforded protections that correlate with how humans want to use and abuse them, rather than in relation to their capacity to feel pain as proven by science.

The research is clear that crustaceans and cephalopods can feel pain. This research has been recognised for quite some time. Scientists and peak bodies such as the RSPCA recognise there is sufficient evidence to suggest these animals are sentient. Experts say two key criteria are used to determine whether an animal is capable of experiencing pain. First, the animal must have pain receptors known as nociceptors in the skin, which allow it to detect potentially harmful stimuli in the world around it. Second, these painful experiences must result in the animal altering its future behavioural decisions. In other words, it must be able to learn from the painful experience. Cephalopods and crustaceans meet both of the criteria.

These animals are also highly intelligent. For example, the recent Netflix documentary *My Octopus Teacher* captivated audiences by showing the rich and complex life of an octopus living in the wild. Octopuses have the largest brains of any invertebrate, relative to their size. They can change colour and shape when hunting or hiding from predators and can also perform human-like behaviours such as navigating mazes, solving puzzle toys and opening jars. Research has shown that octopuses enjoy play, are capable of foresight and have their own unique personalities that they can pass on to their children. They are truly amazing animals. Crustaceans also have amazing abilities. For example, lobsters can live to be more than 100 years old. Like dolphins, they use complicated acoustic signals to explore their surroundings and establish social relationships. These animals have



their own lives and they are worthy of our respect and protection. The fact that our laws do not recognise this is, frankly, embarrassing.

We are falling behind other jurisdictions. Victoria, the Australian Capital Territory and the Northern Territory all recognise cephalopods and crustaceans as animals. Other States, such as Queensland and Tasmania, allow them to be prescribed as animals by regulation. In New Zealand, the Animal Welfare Act recognises all animals—including octopus, squid, crab, lobster and crayfish—as sentient beings. Our laws in New South Wales are frustratingly behind. It is even more concerning when we consider the fact that these aquatic animals are increasingly being intensively farmed and subjected to cruel husbandry practices, just like land-based animals.

For example, on Australian prawn farms, female prawns routinely have their eye sliced open or cut off—usually without pain relief—in a procedure known as eyestalk ablation, to make them reproduce faster. Overcrowded industrial prawn farms are known to lead to serious disease outbreaks that cause mass deaths. This is in addition to the horrific cruelty caused by fishing methods, such as prawn trawling. There is even an ongoing project in Western Australia to develop a commercial octopus farm, despite the scientific community warning about the terrible mental suffering it would cause to such a highly intelligent animal.

These are practices that most of the public know nothing about and would be horrified by if they did. At the very least, the community expects that sentient animals be classified as what everyone understands them to be: animals. I am not the first to raise this issue in the New South Wales Parliament. In fact, the case for these animals was argued by a National Party MP and former member for Murrumbidgee, the late Adrian Cruickshank, back in 1997. In respect of the failure of POCTAA to recognise cephalopods and crustaceans in the definition of "animal", he said:

It is time for us to at least open up our animal welfare legislation to the possibility of protecting additional species. It was for this reason that the Regulation Review Committee recommended to the Minister that he examine the merits of making provision in the New South Wales Act, similar to that which exists in Tasmania, for additional species to be prescribed by regulation to allow protection to keep pace with scientific opinion.

He concluded:

I must say that I find it inexplicable that a major international issue, such as the protection that should be afforded invertebrate animals, completely escaped the New South Wales review process over a period of approximately seven years.

The protection of these animals has still not been afforded 24 years later. It is still absolutely inexplicable. Given the National Party supported this change back in 1997, I hope it retains that support today and will join me in finally recognising these animals as animals under our legislation. I am proud to introduce this bill today and to take one step further in making this basic truth a reality in New South Wales legislation.

**Debate adjourned.**

#### *Business of the House*

### **POSTPONEMENT OF BUSINESS**

**The Hon. MARK BUTTIGIEG:** On behalf of the Hon. Daniel Mookhey: I move:

That private members' business item No. 992 outside the order of precedence be postponed to a later hour.

**Motion agreed to.**

#### *Documents*

### **DEPARTMENTAL STAFF PERFORMANCE**

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

**The Hon. DANIEL MOOKHEY:** I move:

That private members' business item No. 991 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (21:42):** I seek leave to amend private members' business item No. 991 outside the order of precedence by omitting "21 days" and instead inserting "23 days".

**Leave granted.**

**The Hon. DANIEL MOOKHEY:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 23 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier; Treasurer; Minister for Finance and Small Business; Minister for Customer Service; Minister for Education and Early Childhood Learning; Minister for Skills and Tertiary Education; Minister for Families, Communities and Disability Services; Minister for the Public Service and Employee Relations, Aboriginal

Affairs, and the Arts; Attorney General; Minister for Police and Emergency Services; Minister for Counter Terrorism and Corrections; Minister for Local Government; Minister for Better Regulation and Innovation; Minister for Sport, Multiculturalism, Seniors and Veterans; Minister for Health and Medical Research; Minister for Mental Health, Regional Youth and Women; Ministry of Health; Minister for Regional New South Wales, Industry and Trade; Minister for Planning and Public Spaces; Minister for Water, Property and Housing; Minister for Jobs, Investment, Tourism and Western Sydney; Minister for Energy and Environment; Minister for Agriculture and Western New South Wales; Department of Premier and Cabinet; The Treasury; Department of Customer Service; Department of Education; Department of Communities and Justice; Department of Planning, Industry and Environment; or Regional NSW relating to the performance of current department secretaries:

- (a) the contract of employment for each current department secretary;
- (b) all secretary performance agreements;
- (c) all documents regarding all performance reviews;
- (d) all documents which record performance comments or an overall performance rating regarding a current department secretary from the Premier, a Minister, or the Secretary of the Department of Premier and Cabinet;
- (e) all notices, warnings or letters issued to a current department secretary pursuant to their contract of employment, and including all replies from that secretary;
- (f) all briefings or working advices prepared for the Premier, a minister, the Secretary of the Department of Premier and Cabinet, or the Public Service Commission relating to the performance of a current department secretary; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Members will recall that at the end of last year I sought the production of the secretary performance agreement for the Secretary of Transport for NSW on the same day or close thereafter to when the Government decided to terminate him for no reason. That attracted the scrutiny of this House because it involved the expenditure of close to a million dollars and created leadership uncertainty in one of the most important departmental clusters in which the New South Wales Government operates. Over the course of that, the secretary performance agreement for Mr Staples was produced and that process revealed that every year the Premier and others review the performance of each of the eight departmental secretaries.

By way of context and in case any member is not aware of how these arrangements work, each of those eight departments work for the New South Wales Government. They do not work for any political party. They are independent and notionally impartial public servants, who are employed pursuant to the conditions of the Government Sector Employment Act. Each one of them has a contract. According to the regulation the contract must provide for how their performance is to be reviewed. It is then the responsibility of the Government to decide the process for review. That takes place on an annual basis in a process that is led by the Premier and the Department of Premier and Cabinet.

Each of those eight secretaries is paid \$599,000. That is a lot of public money. We have every right to understand precisely how well they are doing their jobs and how well the Government thinks they are doing their jobs, especially when one secretary got an above average performance rating by the Premier, but six to eight weeks later lost his job because the Minister decided to terminate him. That is what happened to Mr Staples. There is much speculation about the performance of some other secretaries, and in the wake of some changes that may be made on the part of the Government that could lead to further changes. The House must be equipped to provide the levels of scrutiny that are required. On behalf of the public the House is entitled to see precisely how well the public servants who work for us are doing their jobs. That is a legitimate area of scrutiny that a House of review is expected to embark upon.

I am enthusiastically waiting for the Government's support for the motion, but somehow I sense it might not be forthcoming. I am disappointed if that is the case. If the Government is confident with how this process is working and that each of the secretaries that it chose is doing their job in a manner which befits and behoves the Government, then it has nothing to fear from this. More scrutiny in this regard would encourage the Government's agenda. If it has nothing to fear, it has nothing to hide. On that basis I am looking forward to the enthusiastic support of the Government as represented in this place. Should that not result then the House should still press its claim. We are entitled to see how well those eight secretaries who work for the people of New South Wales are doing their jobs and how well the Government thinks they are doing their jobs. On that basis I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:46):** This is again the usual Mookhey overreach. This motion calls for contracts and a very broad swathe of documents from every Minister and department in the Government. The broad nature of the papers sought will take a considerable amount of time and resources, as usual. Let us go through it. The call seeks:

- (a) the contract of employment for each current department secretary;
- (b) all secretary performance agreements;

- (c) all documents regarding all performance reviews;
- (d) all documents which record performance comments or an overall performance rating regarding a current department secretary from the Premier, a minister, or the Secretary of the Department of Premier and Cabinet ...

It goes on. That is a broad swathe of documents requiring many boxes, which I am sure will be trawled through. There is a much more fundamental problem here about the documents that are sought in relation to those public servants. Much of this material may contain very private information about those public servants, notwithstanding under the name of nothing to fear and transparency. The performance reviews of those public servants and the manner in which they run their departments may well be the subject of material that they may object to being in the public sphere and in the hands of anyone other than themselves.

I anticipate that there will be a claim for privilege for a significant amount of the material sought by this call for papers. It is a fishing expedition of the worst type. It seeks to obtain a significant amount of private information about public servants employed by the Government, not members of Parliament, with no respect for their privacy. I am sure the Hon. Daniel Mookhey will persist with the application, which will lead to the resources of the Parliament again being used to seek to maintain the privilege and privacy of the public servants involved. There will be outrage about putting the arbiter to work in that regard. Significant legal challenges may arise from that. The Government must oppose this motion because it seeks to protect the privacy of individuals. [*Time expired.*]

**The Hon. DANIEL MOOKHEY (21:50):** In reply: It is disappointing that the Government has taken the position it has. It is equally disappointing that in taking that position, the Minister has evinced no knowledge whatsoever of the process that he has described and no familiarity whatsoever with the agreements that he opposes with such venom. If the Minister were acquainted with a secretary performance agreement, he would know that the levels of personal information contained in them is quite minimal.

**The Hon. Damien Tudehope:** How do you know?

**The Hon. DANIEL MOOKHEY:** That is because one has been produced. The Minister challenged me by asking how I would know. It is because I have read a secretary performance agreement and it did not contain the level of personal information that is evinced. That is the first reason why I am worried that a Minister of the Crown is not familiar with the process that he is apparently meant to be entwined with. The second disappointing aspect is that the Minister, as Leader of the House, flagged a privilege challenge on the basis of personal information. If the Minister were familiar with the doctrines of this House, he would know that that is not an established grounds of privilege. In fact, the arbiter has made that point time and time again.

If we want to talk about who is frustrating the resources of this House through frivolous challenges and diversions, I invite the Leader of the House to familiarise himself with the doctrine and the jurisprudence of privilege challenges, stop the Executive Government from embarking on absurd privilege challenges and, instead, cooperate with the House both in deed and in spirit. None of the arguments made by the Minister are at all compelling, especially when one considers that we are the people paying those eight secretaries \$600,000 a year. We are entitled to know exactly how they are performing their jobs.

If they are performing their jobs well, there is nothing to fear. If they are not, then we are entitled to ask serious questions why, especially when it is the Government's habit to fire public servants when the Government is responsible for the maladministration of the State. The Government would have far more credibility if it had not just sacked a head of a department for no reason at the cost of \$800,000, seven weeks after an above-average performance rating from the Premier. I commend the motion to the House.

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

**The House divided.**

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

AYES

Banasiak	Houssos	Primrose
Borsak	Hurst	Roberts
Boyd	Jackson	Searle
Buttigieg (teller)	Latham	Secord
D'Adam (teller)	Mookhey	Sharpe
Donnelly	Moriarty	Shoebridge
Faehrmann	Moselmane	Veitch

		AYES	
Field	Pearson		
		NOES	
Amato	Khan	Mitchell	
Cusack	Maclaren-Jones (teller)	Nile	
Fang	Mallard	Taylor	
Farlow	Martin	Tudehope	
Farraway (teller)	Mason-Cox	Ward	
Franklin			
		PAIRS	
	Graham	Harwin	

**Motion agreed to.**

**The PRESIDENT:** According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

**The House continued to sit.***Motions***POKER MACHINES**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 1030 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (22:02):** I seek leave to amend private members' business item No. 1030 outside the order of precedence by omitting paragraphs 1 (a) and 1 (b) and inserting instead:

- (1) That this House notes that:
  - (a) in 2010 the Ministerial Advisory Committee on Gambling estimated 20 per cent of poker machine revenue is related to organised crime;
  - (b) in 2014-15 poker machine turnover in New South Wales was \$73.3 billion, meaning \$14.66 billion of criminal funds may have been put through poker machines in one financial year;

**Leave granted.**

**Ms CATE FAEHRMANN:** Accordingly, I move:

- (1) That this House notes that:
  - (a) in 2010 the Ministerial Advisory Committee on Gambling estimated 20 per cent of poker machine revenue is related to organised crime;
  - (b) in 2014-15 poker machine turnover in New South Wales was \$73.3 billion, meaning \$14.66 billion of criminal funds may have been put through poker machines in one financial year;
  - (c) the proceeds of crime can easily be laundered this way by depositing a lump sum of cash into poker machines and withdrawing the majority of that cash as tax-free "winnings";
  - (d) New South Wales has the second-highest poker machine load limit in the country, with individuals being able to load \$7,500 into a single machine at a time;
  - (e) ClubsNSW are responsible for over 1,000 RSL, sporting and other clubs in New South Wales and around half of Australia's poker machines; and
  - (f) whistleblower and former ClubsNSW anti-money laundering and counter-terrorism finance compliance auditor Troy Stolz has described the scale of money launder as "massive" and "alarming".
- (2) That this House calls on the Government to urgently prioritise the development and implementation of measures to stamp out money laundering via poker machines in New South Wales.

The 18-month Bergin inquiry into Crown Resorts revealed the dark underbelly of the gambling industry and the convenience that it provides to criminals who seek to launder massive sums of money. But it is not only high rollers in casinos who are getting away with laundering vast sums of money; poker machines are also being used

for that purpose, especially in New South Wales. First, let us understand money laundering. Say that you have tens of thousands of dollars that you have acquired through criminal activities. What you can do with that money is fairly restricted because regular unexplained cash deposits into your bank account will inevitably draw unfavourable attention from the Australian Tax Office [ATO], which has far-reaching powers to access your bank information. In fact, all cash transactions of \$10,000 or more must be reported by banks to AUSTRAC within 10 days. The ATO can even access your foreign bank accounts.

So what do criminals do in Australia when they are left with large piles of cash? Luckily there is an answer that is so convenient, accessible and risk free that they may as well be called black market ATMs—they are poker machines. Laundering money through a poker machine is simple: Just place up to \$7,500 in a poker machine, play for a few minutes, lose a few hundred dollars and then go to the desk to collect your \$7,200 in winnings. But what if you have more than \$7,200 to launder? Go back as much as you like. And the best part is that the ATO views money that is gained from gambling not as income but as a fortunate windfall. So it is totally tax free and ready to be deposited right into your bank account without anybody blinking an eye. Does that not sound great? In 2010 the Australian Government's Ministerial Expert Advisory Group on Gambling estimated that roughly 20 per cent of the money that is lost to the pokies is related to organised crime.

The last time the Independent Liquor & Gaming Authority published turnover figures in its annual report for New South Wales was in the 2014-15 financial year, when gambling turnover in the State was \$73.3 billion. That means that potentially \$14.66 billion of criminal funds was laundered through poker machines in New South Wales in just one financial year. In 2018 Francis Markham, a researcher from the Australian National University, described data that showed a 20 per cent jump in the amount of funds that had been wagered in Fairfield as "inexplicable". The fact that the amount of money that was being staked by gamblers was growing far more quickly than the amount that was being lost indicated that the growth was highly likely to be the result of money laundering. That is because money laundering does not contribute greatly to increased poker machine profits but does contribute to greater turnover. Whistleblower Troy Stolz, who previously worked for ClubsNSW as a compliance auditor and manager of anti-money laundering and counterterrorism financing, outlined the alarming lack of compliance within that organisation. Recently Troy said to the ABC:

The crooks are going [into pubs and clubs] with their drug money and putting it in the machines and the crooks are cleaning it.

And last week he wrote in *The Sydney Morning Herald*:

It quickly became apparent that I wasn't meant to do my job properly. The roadblocks were fast and plenty. The industry didn't want someone in my role to be too thorough. It wanted window-dressing. It wanted the appearance of compliance while its machines continued to accept dirty money.

Stolz leaked a ClubsNSW internal document that outlined the concerns that had been raised about poor levels of compliance in its member clubs. Federal Independent MP Andrew Wilkie sought to table that document in the Federal Parliament but was refused, so he read it:

Current levels of Anti-Money Laundering and Counter-Terrorism Finance compliance are at best five to 10 per cent.

Instead of cleaning up its act, ClubsNSW is trying to silence its critics. It is suing Stolz for breaching his confidentiality agreement and is now taking Liquor & Gaming NSW to the Federal Court. ClubsNSW represents over 1,000 RSL, sporting and other clubs in the State. Combined, they own roughly half of Australia's poker machines, which are operating as black market ATMs on every corner of every town in New South Wales. I urge members to support the motion, which calls on the Government to act immediately to stamp out money laundering via poker machines and to stop what is essentially the enabling of organised crime. I commend the motion to the House.

**The Hon. NATALIE WARD (22:09):** On behalf of the Government I contribute to debate on the motion moved by Ms Cate Faehrmann. I note that the Federal Government is primarily responsible for implementing and enforcing anti money laundering laws through the Australian Transaction Reports and Analysis Centre [AUSTRAC], which monitors financial transactions to identify money laundering, organised crime, tax evasion, welfare fraud and terrorism financing. AUSTRAC is not just a regulator or law enforcement agency; it is also a financial intelligence agency. AUSTRAC regulates more than 15,000 businesses in industries that may be subject to money laundering. As part of this AUSTRAC imposes requirements that businesses have systems and controls in place to manage risks.

While AUSTRAC is the primary entity responsible for regulating and enforcing anti-money laundering laws, it is also assisted by State and Territory regulators and law enforcement agencies. AUSTRAC is part of Australia's national intelligence community. It works with government agencies and law enforcement at a State and Federal level to support whole-of-government priorities. AUSTRAC is also a member of national and State task forces, providing specialist financial intelligence to national security and serious and organised crime efforts.

AUSTRAC also makes all transactions and suspicious matter reports directly available to more than 5,000 designated users within Federal, State and Territory partner agencies.

In New South Wales the Department of Customer Service engages regularly with AUSTRAC and police through formal and informal engagements. Information-sharing arrangements are in place to support the shared responsibility for financial integrity and inform continuous improvement of regulatory tools and compliance activities. AUSTRAC and the department conduct periodic audits and investigations and consult where necessary and appropriate. Further, the department is in ongoing communication with the NSW Police Force regarding financial crimes and organised crimes. The department works with both the casino and racing integrity unit of the NSW Police Force and the money laundering unit of the Organised Crime Squad.

With the assistance of the department's intelligence unit, the Government supplies data that aims to determine instances of money laundering at various pubs and clubs in New South Wales via the analysis of gaming activity at venues in New South Wales. This is a significant multi-agency approach which helps to identify, investigate and prosecute instances of money laundering and organised crime. The Government has been working in other ways to combat money laundering. From 1 May 2020 the Government reduced the cash input limit for any new gaming machines or updated machines requiring approval from the \$7,500 quoted in the motion down to \$5,000. This is a further reduction from the original \$10,000 limit. Notably the limit is now half the prescribed cash transaction amount that must be reported to AUSTRAC. The Government also uses the centralised monitoring system for all gaming machines in New South Wales to identify instances of money laundering.

**The Hon. DANIEL MOOKHEY (22:12):** The Bergin report findings were shocking and NSW Labor welcomes that report. There are 19 recommendations and many alarming revelations throughout the 800-page report. It is clear that legislative changes are required and we call on the Government to provide a time line as to when they will be introduced. The Government needs to engage with law enforcement, AUSTRAC and the pub and club industry to see what further practical measures can be implemented to stamp out money laundering. Support to smaller pub and club operators must be expanded in order to prevent money laundering and other suspicious activities in their venues.

The Federal Government's Transaction Reports and Analysis Centre [AUSTRAC] already requires pubs and clubs to report any suspicious transactions. Larger clubs are required by AUSTRAC to have anti-money laundering programs that are independently reviewed every two years. They are also required to have anti-money laundering training programs for their staff. Businesses need to be reassured that they will not be reprimanded for reporting to AUSTRAC and that any information they provide will be kept confidential. NSW Labor supports measures that ensure that pubs and clubs identify suspicious activity and provide the information that AUSTRAC needs to prevent money laundering. Again it is the responsibility of the New South Wales Government to assist pubs and clubs in meeting their requirements. I once again call on the Government to outline a time line for legislative changes in response to the Bergin report.

**Mr JUSTIN FIELD (22:14):** Members heard the introduction of the motion by Ms Cate Faehrmann, in which she outlined the extent of the problem based on the evidence that various authorities have collected over a period of time. I remind members that about \$90 billion a year is put through the 90,000 poker machines in New South Wales, the vast majority of which are in clubs and pubs. It is estimated that about 20 per cent of that \$90 billion of throughput is potentially the proceeds of crime. Through gaming taxes, the New South Wales Government is one of the primary beneficiaries.

It is clear that the New South Wales Government is handling the proceeds of organised crime. Where is the task force investigating that at any scale? We have heard from the Deputy Premier, who came out in response to Minister Dominello, saying that it is the Australian Transaction Reports and Analysis Centre's responsibility. Under the New South Wales Crimes Act it is a crime to launder money and handle the proceeds of crime. I have not heard of reports of money laundering offences being identified and brought before the courts at any scale in New South Wales. We have a centralised monitoring system that is able to pick up unusual transactions. Who has \$5,000 to drop on poker machines every night or multiple times a night? Are we kidding ourselves?

This is large-scale money laundering and handling of the proceeds of crime. When the Deputy Premier came out bagging the idea of a gambling card, I said to him that in a lot of instances, regional communities are suffering some of the worst impacts from the ice pandemic, with bikie gangs running drugs in those communities. Those proceeds of crime are being laundered in local hotels and clubs in regional areas. There is a solution on the table that has the backing of the Bergin inquiry and the independent regulator. It clearly has the backing of people in Government but is not being taken seriously. The offences are not being adequately investigated. We have the tools to fix it; we should get on and do that now.

**Ms CATE FAEHRMANN (22:16):** In reply: I thank those who have contributed to the motion. Let us remember that the motion before us is very simple. It asks the Government to urgently prioritise the development

and implementation of measures to stamp out money laundering via poker machines in New South Wales. Despite the assurances of the Government, that is clearly happening at a huge and alarming rate. Today I put something on my Facebook page about the debate and I have already been contacted by people who work in hospitality and clubs. They are telling us that what is happening is extremely concerning and that they believe what Troy Stolz and others are alleging is occurring in clubs across New South Wales. Of course it is; as Mr Justin Field has said, the figures speak for themselves.

In fact, the Federal Government's own advisory body said that 20 per cent of the huge amount of money that goes through poker machines is the proceeds of crime. Those statistics came out the other day. I urge the Government and the Opposition to support the motion. The Greens will come back with many more motions similar to this one. It is the first step in raising awareness of the issue and bringing attention to what is happening. If ClubsNSW does not like it, then it needs to be okay with people speaking out—particularly people who blow the whistle on ClubsNSW not wanting compliance in its organisation. Whistleblowers must be supported; they are extremely important. Good on Troy Stolz for having the courage to come forward and spill an incredible amount of information about what is happening in these clubs. I commend the motion to the House.

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

**Motion agreed to.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

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

That private members' business item No. 988 outside the order of precedence be postponed until a later hour of the sitting.

**Motion agreed to.**

*Documents*

**METROPOLITAN SYDNEY CORRECTIONAL PRECINCT**

**Production of Documents: Order**

**The Hon. DANIEL MOOKHEY:** I move:

That private members' business item No. 990 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (22:20):** I seek leave to amend private members' business item No. 990 outside the order of precedence by omitting "21 days" and inserting "26 days".

**Leave granted.**

**The Hon. DANIEL MOOKHEY:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 26 days of the date of passing of this resolution the following documents created since 1 February 2017 in the possession, custody or control of the Minister for Counter Terrorism and Corrections, Department of Communities and Justice, Minister for Planning and Public Spaces or Department of Planning, Industry, and Environment relating to the Greater Parramatta and the Olympic Peninsula [GPOP] area:

- (a) the following documents as listed in the Schedule of Documents of the Government Information (Public Access) Act 2009 Notice of Decision, by the Department of Communities and Justice, OGC Reference LEGAL 5970/20, dated 11 November 2020, entitled:
  - (i) Briefing note to the Secretary – site briefing for the Minister for Planning;
  - (ii) The Case for a New Correctional Precinct in Sydney Presentation;
  - (iii) Letter to Jim Betts, Secretary, Department of Planning, Industry and 'Environment from Secretary DCJ';
  - (iv) CSNSW – Draft Sydney Metropolitan Corrections Centre Site Analysis Report;
  - (v) Residential Land Value and Feasibility Report Land at Long Bay Complex;
  - (vi) Briefing note to the Minister for Corrections – Cabinet approval of corrections strategy; and
  - (vii) The Case for a New Correctional Precinct in Sydney Presentation.
- (b) all documents regarding all proposals to construct a new correctional precinct in the Greater Sydney Metropolitan Region, including at Camellia or Badgerys Creek;
- (c) all business cases, site analysis reports, and land value and feasibility reports prepared by the Delivery and Transactions Team, Department of Planning, Industry and Environment, Ernst & Young, or EG Property Group regarding a new correctional precinct in New South Wales;

- (d) all documents regarding the future of the Long Bay Correctional Complex, including complex development or sale;
- (e) the strategic business case for the Greater Parramatta and the Olympic Peninsula area; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will not tax the patience of the House as I seek the trifecta for Standing Order 52. I will explain in short form what I seek and why I seek it. This call for production of documents deals with the prospect of construction of a new prison at Camellia in the Greater Parramatta and the Olympic Peninsula area. It is land that is also flagged for construction of the Parramatta Light Rail Stage 2. The plan for a new jail surfaced in the public domain at the end of last year and was a great surprise to many people in the Parramatta district, western Sydney and suburban Sydney because heretofore no-one had heard anything about it. For years the Government has told the people of Camellia and Parramatta that its intention is to build many apartments within the precinct and that this area is right for urban infill, which is its preferred strategy.

We now discover that there is a secret plan to build a jail. I do not think the plan should be secret. I think it should be upfront. I think we should be able to scrutinise and debate as to whether or not Camellia is the right site for a prison or a light rail system. I will point out that Camellia is receiving scrutiny because the State Government has bought contaminated land in the area and has agreed to pay to clean it up. That is rising in cost. That has a bearing on whether we can build a prison on the contaminated land. That is another theory being considered by the Government.

Camellia is not the only site that the Government is investigating as suitable to construct a prison. The other is Badgerys Creek in outer western Sydney. The reason why the Government is so eager to build a new prison in metropolitan Sydney is that it is locking up a lot more people. The business case will contain detail and projections about the growth of the prison population that would justify construction of a new metropolitan prison centre at Camellia or Badgerys Creek. I say that the people of Camellia and Parramatta deserve to have the facts. I say that the people of Badgerys Creek deserve to have the facts and the community is entitled to have this debate in an open and transparent manner. I am sure that the Government is just about to agree with me.

**The Hon. TAYLOR MARTIN (22:24):** The Government does not oppose the motion.

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

**Motion agreed to.**

#### TAFE NSW SCONE CAMPUS

##### Production of Documents: Order

**The Hon. DANIEL MOOKHEY:** On behalf of the Hon. John Graham: I move:

That private members' business item No. 1021 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. Ben Franklin:** Point of order: I am finding it difficult to hear the contribution of the Hon. Daniel Mookhey because of the number of interjections in the House. I ask that the Government Whip be called to order.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I remind all members that interjections are, inevitably, disorderly. A degree of restraint and decorum is always useful, especially at 10.30 p.m., and from Government Whips, in particular.

**The Hon. JOHN GRAHAM (22:27):** I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 1 January 2019 in the possession, custody or control of TAFE NSW or the Minister for Skills and Tertiary Education relating to the sale of the TAFE NSW Scone campus:

- (a) all correspondence to or from Mr Michael Johnsen, MP, regarding the proposed sale of the TAFE NSW Scone campus at 2 Flemington Drive, Scone, including all correspondence relating to the use of any proceeds from the sale;
- (b) all draft contracts for sale relating to the TAFE NSW Scone campus at 2 Flemington Drive Scone;
- (c) any document disclosing a reserve price, proposed reserve price, or price range, for the proposed sale of the TAFE NSW Scone campus at 2 Flemington Drive, Scone; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I move this motion for the production of papers because the Opposition seeks information about the sale of the site of Scone TAFE. It is an important and contentious issue for the local area. It is true that a Connected Learning Centre, referred to as a CLC, is located there. It has been welcomed by the community, but the community views



it as no substitute for the significant piece of land that is currently out to tender. The tender will close shortly—on 28 February, I think. The community is greatly concerned about what that means for the provision of skills and training by TAFE in a part of the world where, whatever happens over the next couple of decades, jobs will be transformed.

In Scone, of all places in New South Wales, we would prefer that training be invested in, not stripped away. The community is saying that it has real concerns about this process. That is why we are seeking the order for papers pursuant to this motion. We want information about the background of the sale and the documents that relate to it. My colleague in the other place Jihad Dib, the member for Lakemba, has been very active on this issue. He has made it clear: Some of this training cannot happen in a car park. Space is required to do the sort of industry skills training that people need in that part of the world. That is why the Opposition is raising these concerns.

**The Hon. TAYLOR MARTIN (22:29):** The Government opposes this call for papers under Standing Order 52 because many of the documents that will be contained in the scope of it are commercial in confidence. The Government has made no attempt to hide that a sale process is underway; in fact, it has been advertised in several major newspapers. While we understand the honourable member's interest in the documents, there are valid reasons why at this time it would be damaging to TAFE NSW for the papers to be made public. It would jeopardise a commercial sale process and we want to maximise value for the people of New South Wales. We have made no secret of that. It would be a shame that as a result of this order for papers, a potential purchaser could get a better deal at the expense of New South Wales taxpayers. The provision of these papers will not stop or even delay the sale process, all they will do is jeopardise the financial outcome for the taxpayers of New South Wales.

Proceeds from sales will be reinvested in improved TAFE NSW facilities across the region. All divestments are made in accordance with the New South Wales Government property exchange process. For over 100 years, TAFE NSW has delivered training and bought and sold sites all across the State as it adapts its training to meet the evolving needs of industry and community. It replaces aging buildings with new state-of-the-art, fit-for-purpose facilities in locations suited to communities and industry. As I said, that has happened for around 100 years. Maintaining inactive unused sites also costs TAFE NSW millions of dollars across its portfolio. The Government has made it very clear that divestments of campuses are not a move towards privatisation.

This Government is committed to TAFE NSW remaining a comprehensive public provider of vocational education and training. This year alone we have invested \$263 million into capital projects for TAFE NSW. That includes \$100 million for maintenance and equipment for campuses across the State, and \$10 million of State funding and \$10 million of Commonwealth funding for IT and connected learning spaces for at least 26 TAFE NSW campuses. That is in addition to major capital works already being delivered, including \$157 million for the Meadowbank Digital Technology Centre of Excellence; \$80 million for the Construction Centre of Excellence at Kingswood; and the eight connected learning centres at Hay, Cobar, Tomaree—which I visited—Byron Bay, Batemans Bay, Jindabyne, Nambucca Heads and West Wyalong.

**Mr DAVID SHOEBRIDGE (22:32):** On behalf of The Greens, I support this order for papers under Standing Order 52. The Government has had plans to sell the Scone TAFE for the better part of six years. In fact, in September 2015 my colleague in this place Dr John Kaye managed to get his hands on a Cabinet-in-confidence document from the then Baird Government—I think it was the Baird Government in 2015—which had a list of 27 TAFE sites that it wanted to flog off. That included TAFE sites at Chullora, Epping, Belrose, Scone, Dapto, Vincentia, Maclean, Murwillumbah, Corowa, Narrandera and Grenfell. In 2015 there were 21 regional towns on the chopping block. The Government at the time was saying that they were not being sold because they were not being used, but that it wanted to flog them off to pay for its disastrous IT blowout in TAFE. In 2015 that was running at \$576 million—I think it doubled that amount by the end of it and it still does not work.

The long-term plan of this Government has been to strip out TAFE, particularly from regional New South Wales, to strip out actual highly functioning full campuses, like we have at Scone, in a part of the State that desperately needs the training facilities to transition the workforce from basically a fossil-fuel workforce to a renewable energy and future workforce. The Government plans to sell off these high-quality A-grade facilities like we have at Scone. No doubt it will flog the facility off to a private provider who is waiting there to pick it up for below replacement cost. I think it has been advertised at below replacement cost in all of the real estate blurbs made by the Government.

It is actually touting it to the market, saying, "You can buy this for less than it cost us to build it." That is part of the Government's sales pitch in the real estate marketing. It is flogging actual campuses with world-class training facilities and replacing them with so-called Connected Learning Centres, which are basically air-conditioned rooms with a couple of computer terminals and a Coke drink dispenser. It pretends that is TAFE. The proposal to sell off the Scone TAFE campus is a disgrace. It has been on the chopping block now for six

years. We know what this is. The Parliamentary Secretary says that it is not about privatisation. No, it is about the full-on sale and handing over of this facility to a private training facility. The Greens support this Standing Order 52 motion.

**The Hon. JOHN GRAHAM (22:35):** In reply: I thank members for their contributions. I will respond to the point made by the Parliamentary Secretary about the concerns of compromising the sale in some way. I simply say this: The House has dealt with a range of similar issues on a much larger scale. If we can call for the entire WestConnex financial business model for tens of billions of dollars, and it can be produced to the House under privilege and not compromise that sale, which the Government is happily in the middle of, I am sure we can manage the issue of Scone TAFE. With that observation, I commend the motion to the house.

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

**Motion agreed to.**

### *Motions*

#### STATE ARCHIVES AND RECORDS AUTHORITY

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

That private members' business item No. 1024 outside the order of precedence be considered in a short form format

**Motion agreed to.**

**The Hon. JOHN GRAHAM (22:37):** I move:

- (1) That this House notes that:
  - (a) on 22 January 2021 the State Archives and Records Authority [SARA] released its final report on the shredding of documents and the deletion of the electronic backup records in the Premier's Office relating to the Stronger Communities grants fund;
  - (b) the SARA report made the following finding: "Finding 1: The Authority finds that the Office of the Premier breached section 21(1) of the State Records Act with the unauthorised disposal of the working advice notes.";
  - (c) the SARA report stated that "Pursuing legal penalties and action is not consistent with the Authority's regulatory model,"; and
  - (d) that SARA further stated "the Authority will not be taking legal action on the unauthorised disposal of State records".
- (2) That this House:
  - (a) calls on the board of the State Archives and Records Authority to reconsider its decision not to pursue any disciplinary action as a result of the breach of the law concerning documents held by the Premier's Office about the Stronger Communities grants fund; and
  - (b) urges any member of the board of the State Archives and Records Authority with an actual or perceived conflict of interest to absent themselves from such a reconsideration of this matter.

This motion refers to an issue that has come up once or twice in the House. In fact, the matter was pursued vigorously over the course of last year and the Government continuously told us that the papers did not exist. At the end of the year we found out why: because they had been shredded and the electronic copies deleted. That was of real concern to the Parliament, to the Opposition and to the public. It was also the subject of a referral to the State Archives and Records Authority. Its report was released to the Public Accountability Committee on 22 January 2021, which, for the reference of the Deputy President, was a Friday afternoon—late on that Friday afternoon, which preceded the Australia Day long weekend. Despite that, there was some significant publicity around it because it was an issue of concern. The report made the following finding:

**Finding 1:** The Authority finds that the Office of the Premier breached section 21(1) of the State Records Act with the unauthorised disposal of the working advice notes.

That was highlighted up-front. What was not highlighted up-front, but buried on page 20 of the report, was what the authority meant to do about it, which was absolutely nothing. That was its plan. It stated:

Pursuing legal penalties and action is not consistent with the Authority's regulatory model ...

It went on to say:

... the Authority will not be taking legal action on the unauthorised disposal of State records ...

This motion calls on the State Archives and Records Authority board to reconsider that decision. It should go back and look at whether it wants to take that approach. The Parliament gave the authority the powers to take action with the reasonable expectation that those powers are used appropriately, and for there to be some punishment and an indication that this breach of the law is taken seriously.

Opposition members and the public are concerned that the Premier's office shredded those documents and escaped scot-free by breaking the law with no penalty. This would not apply to a citizen of New South Wales so it should not apply to those in the Premier's office. We encourage the State Archives and Records Authority board to revisit its decision. If it does not and it does not demonstrate its independence from the Government, it risks being an accessory after the fact. That is the spirit with which the Opposition moves this motion. It also urges any member of the State Archives and Records Authority board with an actual or perceived conflict of interest to absent themselves from such a reconsideration.

That is sensible practice for any government authority, and I encourage board members to take that step. The Opposition includes that part of the motion because the Chair of the State Archives and Records Authority board is well known to have strong links to the Government. There is no harm or shame in that, but this is an issue about breaking the law at the highest level of government: in the office of the Premier. The Chair of the State Archives is well known to have been a chief of staff to a Minister in this place. He served as a staff member for an extensive period of time—I think 13 years.

Therefore it is appropriate, to ensure that there is no perception of a conflict of interest, that someone with those links stands aside while this matter is considered by the board. If other members of the board have been appointed, even if they are well-credentialed in other respects but feel that they have a perceived conflict of interest, they should also stand aside from the decision. The Opposition places those matters on the record. It is well known to the House that Opposition members have concerns about the shredding of documents. There must be action if members want to avoid sending a terrible signal about what you can get away with at the very top of this Government.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (22:42):** The Government opposes the motion moved by the Hon. John Graham concerning the report of the State Archives and Records Authority [SARA], dated 21 January 2021 and published on 22 January 2021. The authority conducted an independent record keeping assessment into a complaint from Mr Greg Warren, MP, regarding the alleged unauthorised disposal of records by a member of staff within the office of the Premier. As I understand it, the investigation was done by the CEO; it is not a matter for the board. SARA stated that there had been a minor technical breach of the Act as a result of a misunderstanding due to an outdated handbook.

It went on to note that the disposal of documents occurred because the rules were ambiguous. The General Retention and Disposal Authority related to records of a Minister's office, GDA13, was old and arguably no longer fit for purpose. The advice provided by the authority was inadequate and simplistic. The Premier's staff operated in good faith at all times, and the report does not impugn the credibility or honesty of the Premier or the those in Premier's office. The Government accepts and will implement all the recommendations of the SARA report. I am advised that work has commenced to implement these recommendations. Paragraph 2 (a) of the motion calls on the authority to reconsider its decision to not pursue any disciplinary action as a result of its finding.

That is a completely inappropriate suggestion for this House to make. As detailed in the report, the authority decided not to take any disciplinary or other legal action in respect of the offences it identified under the State Records Act because it was possible that the deletion of records may have been outside the prescribed time frames required by section 78 (2) of the State Records Act for commencing legal action. It determined that such action would be inconsistent with its regulatory model and did not pass a cost-benefit analysis. The authority notes on page 20 of the report that:

Pursuing legal penalties and action is not consistent with the Authority's regulatory model, which emphasises education and information to assist voluntary compliance by public offices with obligations of the State Records Act. A prosecution of unauthorised disposal of State records is a labour-intensive activity that is almost certain to bring no improvement to recordkeeping or commitment to improving practices.

In my submission, it is inappropriate for this House to be seeking, or to be perceived to be seeking, to influence the regulator in its conduct of the independent assessment. The House will have an opportunity to look at the provisions of the State Records Act quite shortly. An inquiry has been done on it and a bill is going to come back to this Chamber. It is an opportunity to correct some of the problems that are perceived and I will be doing that in terms of the Act that I bring back. For those reasons the Government opposes the motion.

**Mr DAVID SHOEBRIDGE (22:46):** On behalf of The Greens I support this motion. The evidence about the illegal shredding of the documents by one of the Premier's senior advisers came out in the course of a Public Accountability Committee hearing. It was only discovered after repeated efforts to find this kind of information was stymied by the Government in its response to a series of calls for papers in this House. I am certain that the Government did not want that information to come out in that hearing. It shows the ongoing utility of committee hearings to get to the bottom of some of these less savoury practices in the Executive.

The Minister did not accurately describe the findings of the State Archives and Records Authority. The authority did not find that the unlawful destruction happened because of ambiguities in the handbook. The authority found that the unlawful destruction happened because the Premier's office did not have a basic understanding of the General Retention and Disposal Authorities that were the formal directions in relation to State records applicable to ministerial offices, and that the General Retention and Disposal Authority GDA13, which at all times was applicable to the Premier's office and overrode anything in any handbook, was unambiguous about the obligations of the retention. The report stated:

Disposal class 1.7 in GDA13 requires that "Briefing notes or papers maintained in the Premier's Office" are to be retained permanently as State archives.

That is what it says in black and white. There is no ambiguity in that. Notwithstanding that clear, written requirement in the authority's guidelines, the documents were deliberately destroyed. The report continued:

The working advice notes in question were created within the Office of the Premier, used functionally as briefing notes, and were then maintained in the Office of the Premier, directing further and subsequent related action. It follows that these working advice notes should not have been destroyed and that they should have been retained as State archives, as per disposal class 1.7 in GDA13.

We have repeatedly heard these public comments: hiding behind the ambiguity in the handbook, deliberately misrepresenting the findings in this report. Of course there should be consequences. That is why we support the motion.

**The Hon. MARK BUTTIGIEG (22:49):** I did not intend to make a contribution to this debate, until I realised the level of obfuscation and preposterousness in the Government's argument. Looking at the motion's second paragraph, all it does is call on the board of the State Archives and Records Authority to reconsider its decision and urge any board member with a conflict of interest to be recused. The board does not even have to agree; the motion simply asks the House to call on the board. Yet the Government is still resisting, even after the litany of evidence that has been produced in the inquiries. The average New South Wales taxpayer would look at this and say, "Hang on a minute. We have a State Records Act which says that you cannot destroy records, for obvious reasons. If there ever has to be an audit or an investigation, the public has a right to know what happened and how those decisions were made."

The Public Accountability Committee found out that the Stronger Communities Fund was rorted, mismanaged and misdirected and therefore the accountability trail back through the correspondences, communications and directions that would have occurred in the Premier's office should be able to be revealed. We have a situation in which those documents have been deleted and the Government says, "We are not even going to allow the upper House, as a House of review and accountability, to call on the authority to reconsider its decision on disciplinary action." I think the average person would look at this and say, "You're kidding. If I drive down the road and speed through a red light camera, I get fined and perhaps lose my licence. If I drop a bit of paper on the sidewalk, I could get fined. If I commit a workplace misdemeanour, I could lose my job. And these people, who I'm charging to carry out public processes with my hard-earned tax dollars, can't even produce a disciplinary process for public servants who may have shredded records?"

**Mr David Shoebridge:** Not even a stern letter.

**The Hon. MARK BUTTIGIEG:** Unbelievable. The House does not even have the power to compel the authority to take action. The motion just asks the board to review its decision, and still there is resistance after everything that has come out on the public record. It is absolutely disgraceful. The idea that any member of this House would oppose this call for papers under Standing Order 52 is unbelievable and preposterous. The motion should be supported and we absolutely should ask the authority to reconsider disciplinary action, because I think the average taxpayer deserves some recourse when they see their hard-earned money going to nought and they cannot even find out what happened with the records.

**The Hon. JOHN GRAHAM (22:52):** In reply: I agree upfront with one point that the Leader of the Government made: In fact, this process was directed by the CEO. That is not in doubt; the Opposition accepts that position. The motion simply states that it is the wrong call and encourages the board to appropriately look at whether that call should be revisited. The Opposition agrees with that first observation of the Leader of the Government. His other observations went rapidly downhill, in the Opposition's view—such as the idea that General Retention and Disposal Authority GDA13 might be old and unfit for purpose.

I hope its new purpose does not include shredding documents and deleting the electronic backup records. That is just common sense. There is nothing in GDA13 that should not be applied routinely. These documents should have been archived in perpetuity for the State records, not shredded. That is the view that the Opposition put in the committee. That is the view that the Opposition put in the House and the Government argued against it. This report says that the Opposition was right. It then goes on to do nothing about it, and that is what Labor would

like to rectify here. I am very surprised that the Government is continuing to defend the shredding. As my colleague said, it is unbelievable.

The idea that it is possibly too late to prosecute is one that the Opposition would like to see tested. It is true that this report puts a range on when this document might have been destroyed. We would like to have that more precisely tied down. In fact, the report suggests that this document might have been destroyed in the days or even hours before people went to the polls on election day in 2019. That is possible, according to the range that was given to us.

Finally, I absolutely reject that this House and Parliament, or indeed the public, should not be able to say that this matter should be reconsidered by the board. The fact that the agency has said it is not part of its regulatory model makes it totally inappropriate. This Parliament gave it the powers and set out the penalties and the agency has turned around and said that it is not part of its regulatory model. We are allowed to have an opinion and we are expressing our opinion about that. I am sure the public would have a strong opinion about that. The Government should stop defending the destruction of records in the highest office in the State and start lifting its standards.

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

**Motion agreed to.**

### *Rulings*

#### **BUSHFIRE LOCAL RECOVERY FUND**

**The PRESIDENT (22:56):** Earlier tonight during Mr David Shoebridge's speech in reply to his motion relating to an order for papers regarding the second round of grants for the Bushfire Local Recovery Fund, the Deputy Leader of the Government took a point of order that, firstly, Mr David Shoebridge was making a personal reflection on her and, secondly, he was not accurately describing her earlier contribution to the debate. The Assistant President advised the House that as he was not present during the Minister's earlier contribution he would reserve his ruling. I have now had the opportunity to review the contribution by the Deputy Leader of the Government before dinner and the later comments by Mr David Shoebridge. In his reply Mr David Shoebridge said:

I particularly take issue with the nature of the opposition that came from the Minister. Rarely have I been more revolted by an argument made to oppose a call for papers under Standing Order 52.

He further said:

For the Government and the Minister to say that if the crossbench and the Opposition seek transparency in how that money was allocated, they will take it out on further recipients of bushfire funds—that they will directly and politically attack future recipients of bushfire funds by delaying the rollout of the next \$250 million of bushfire funds—was a disgraceful action. I believe Mr David Shoebridge was making a strident criticism of the comments made by the Minister on behalf of the Government. If the member had confined his comments to "the Government" and "they", he would have been making a general political comment rather than a personal reflection. However, he added the words "and the Minister", and his reference to a "disgraceful action" appears to me to be reflecting on the Minister. As to the second part of the point of order, the Minister's original comments appear to be about the resource implications of responding to the order for papers and that it may lead to delays in the administration of the next round of grants. Mr David Shoebridge infers that the possible delay described by the Minister is a punitive action by the Government. However, I do not consider that is what the Minister said in debate. I therefore uphold the point of order in relation to both parts. Although debate is sometimes robust, like this one, in the words of former President Johnson:

Members must exercise their privilege of free speech with good sense and good taste, so as to maintain courtesy of language towards other members in debate.

Further, while reviewing the transcript, I also note the Hon. Shayne Mallard took a point of order on Mr David Shoebridge. In the course of the Hon. Shayne Mallard arguing his point of order the Hon. Walt Secord interjected with the words:

You live in the Blue Mountains! You should be ashamed.

The Hon. Shayne Mallard took a point of order on that comment. I uphold the Hon. Shayne Mallard's point of order, the Hon. Walt Secord was reflecting on him and in any case, as the member well knows, interjections are disorderly at all times.

### *Motions*

#### **SCHOOL BANKING**

**Ms ABIGAIL BOYD:** I move:

That private members' business item No. 998 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms ABIGAIL BOYD (23:00):** I move:

- (1) That this House notes the report by the Australian Securities and Investments Commission, *Review of school banking programs*, dated 15 December 2020, which found that:
  - (a) "School banking programs claim to help children develop long-term savings habits, however, providers were unable to demonstrate that these programs in and of themselves improve savings behaviour";
  - (b) "Payments to schools for implementing school banking programs incentivise schools to encourage greater participation in the programs";
  - (c) "Young children are vulnerable consumers and are exposed to sophisticated advertising and marketing tactics by school banking program providers"; and
  - (d) "School banking program providers fail to effectively disclose that a strategic objective of these programs is customer acquisition."
- (2) That this House notes that:
  - (a) as a result of ASIC's review of school banking programs:
    - (i) a number of institutions have now terminated their school banking programs; and
    - (ii) the Victorian Minister for Education has announced that school banking programs will be banned from Victorian schools from early 2021.
  - (b) school banking programs will be banned from schools in the Australian Capital Territory from July 2021, following a Greens motion which passed the ACT Legislative Assembly on 10 February 2021.
- (3) That this House calls on the Minister for Education, the Hon. Sarah Mitchell, MLC, to ban school banking programs in New South Wales schools as soon as possible.

As a child in the 1980s I had a Commonwealth Bank of Australia [CBA] savings account set up for me through my school. Every week I would bring in \$1 of pocket money and deposit it in a little envelope and hand it to my teacher. It is a memory that I am sure I share with many people across the State. There is no doubt that there is a need to promote financial education in schools. But unlike in the 1980s, when the Commonwealth Bank of Australia was wholly government owned, the school banking programs being run in our schools now are set up and operated by profit-seeking private banks. It is private banks competing for a share of the highly valuable first-saver account market, to be the bank in which children set up their first account. These are private banks that understand well that over one-third of people are still with the bank they had their first account with.

Following the CBA Dollarmites scandal, where bank tellers were caught fraudulently activating kids school accounts to make targets and earn bonuses, and calls to ban banks from schools, the Australian Securities and Investments Commission [ASIC] conducted a review of school banking programs, saying that it wanted to "better understand" the motivations and behaviours around school banking programs. ASIC's report, handed down in December last year, is absolutely damning. It found that claims that school banking programs increase student understanding of money and savings were not substantiated. It also found that commissions paid by banks to schools based on student participation in a school banking program may create an actual or perceived conflict of interest for those schools. Furthermore, ASIC found that:

A key strategic objective in offering school banking programs is for commercial gain—signing up new customers at a young age.

It also found that young children are relatively defenceless against the marketing tactics of school banking program providers. ASIC further found that banks marketed in schools benefit from consumers having a lasting sense of trust in those brands, which the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry proved beyond a shadow of a doubt is entirely undeserved. Since ASIC's findings were released, a number of banks, including Bendigo Bank, IMB Bank, South West Credit and Northern Inland Credit Union, have wound up their school banking programs. However, it was not those banks, but the Commonwealth Bank of Australia, riding high on its former status as a government bank, that holds the lion's share of the school programs market, holding 97 per cent of school banking accounts.

The Victorian Government took swift action to ban school banking programs following the release of ASIC's report. The Australian Capital Territory has now followed suit. We cannot allow this predatory behaviour of the banks to continue in our New South Wales schools. In 1991 Australia lost its only public bank. We have been at the mercy of private operators to provide the essential public service of banking ever since. We would not be having this conversation if we had a quality government bank running our school banking programs. As we look back over the past 30 years, it is clear that it was a mistake to sell off the Commonwealth Bank of Australia.

Thankfully there is a growing understanding around the world of the benefit of State-owned banks, and The Greens will be pushing for a New South Wales public bank to be established sooner rather than later. School banking programs like Dollarmites are not altruistic or educational; they are disingenuous schemes that exploit children as future sources of private banking revenue. Until the people of New South Wales have a publicly owned

and operated bank, whose objectives are for the benefit of the people rather than their own pockets, the New South Wales Government must ban school banking programs from preying on our kids. I commend the motion to the House.

**The Hon. TAYLOR MARTIN (23:04):** The Government does not support the motion. It is aware of the Australian Securities and Investment Commission review into school banking programs and the commission's findings. The Department of Education is currently considering the recommendations from this review. New South Wales school principals, in consultation with their school communities, are empowered to make decisions and select programs to run in their schools, based on student need and community context. The school banking programs referenced in the member's motion are not endorsed by the Department of Education. The motion calls for the Government to ban something it does not endorse. Individual schools can choose to participate in school banking programs, and they are bound by the department's policy and guidelines on how schools manage relationships with businesses. That includes ensuring there is no endorsement of any product or service. The Government does not support the motion.

**Mr DAVID SHOEBRIDGE (23:05):** I support the motion moved by my colleague Ms Abigail Boyd. I make it clear that The Greens believe schools are for students, teachers and support staff and they are not places for bankers, sales people, carpetbaggers or preachers. School banking schemes have a history of exploitation, as recently exposed by that cutting ASIC report into the exploitation by the Commonwealth Bank. Not only that, school banking schemes have no proven positive impact on students' financial literacy. The Government said today they are not endorsed but they are allowed and somehow that is okay. To ignore the critical findings of ASIC about the exploitative behaviour of the Commonwealth Bank, to continue to allow students to be exposed to that exploitation and say it is a matter for local schools to make decisions is a failure of leadership and a failure to protect kids from that known source of exploitation. I support this motion.

**The Hon. PENNY SHARPE (23:06):** On behalf of the Opposition I speak in debate on this motion. Mr David Shoebridge is very upset about this matter—

**Mr David Shoebridge:** Read the ASIC report.

**The Hon. PENNY SHARPE:** Thank you. Some of us have read it and we do not need you to explain what is in it.

**Mr David Shoebridge:** Now you know why I was upset.

**The Hon. PENNY SHARPE:** If you want to continue mansplaining to me what is in the ASIC report, I am happy for you to do that, but it would be great if you would just let me speak. Labor's position on this is far less hot under the collar. Our view is that serious matters were raised in the ASIC report. I listened carefully to the Government's response, which was that the Department of Education is looking at those matters and is engaging in consultation about them. Labor believes that is the appropriate way to deal with it. We note that other States have moved on the report, which was released at the end of December, not two years ago. It is early to get a response to it, so Labor will be opposing this motion.

**Ms ABIGAIL BOYD (23:07):** In reply: I thank the Hon. Taylor Martin, the Hon. Penny Sharpe and Mr David Shoebridge for their contributions. I endorse the comments of my colleague Mr David Shoebridge in relation to the semantic debate around "endorse" or "allow". What we are asking for is very clear. The Government has the power to ban banking programs in our schools. It is disappointing that there is no support for this motion in this House, particularly from our Labor colleagues, given their firm and inspiring action on this issue in the Australian Capital Territory and Victoria. It is quite difficult to understand why members do not jump on board something as simple as this motion. I commend the motion to the House.

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

**The House divided.**

Ayes .....6  
Noes .....35  
Majority.....29

AYES

Boyd (teller)  
Faehrmann (teller)

Field  
Hurst

Pearson  
Shoebridge

## NOES

Amato	Harwin	Moselmane
Banasiak	Houssos	Nile
Borsak	Jackson	Primrose
Buttigieg	Khan	Roberts
Cusack	Latham	Searle
D'Adam	Maclaren-Jones (teller)	Secord
Donnelly	Mallard	Sharpe
Fang	Martin	Taylor
Farlow	Mason-Cox	Tudehope
Farraway (teller)	Mitchell	Veitch
Franklin	Mookhey	Ward
Graham	Moriarty	

**Motion negatived.***Documents***NARRANDERA TO TOCUMWAL RAIL LINE REOPENING FEASIBILITY STUDY****Production of Documents: Order****The Hon. MARK BANASIAK:** I move:

That private members' business item No. 887 outside the order of precedence be considered in a short form format.

**Motion agreed to.****The Hon. MARK BANASIAK (23:19):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2018 in the possession, custody or control of the Deputy Premier and Minister for Regional New South Wales, Industry and Trade; the Minister for Regional Transport and Roads; the Department of Transport; Transport for NSW; RailCorp; or NSW TrainLink relating to the Narrandera to Tocomwal Rail Line Reopening Feasibility Study:

- (a) the final, complete and unredacted, version of the Narrandera to Tocomwal Rail Line Reopening Feasibility Study;
- (b) all correspondence relating to the Narrandera to Tocomwal Rail Line Reopening Feasibility Study; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The rail network was once the lifeblood of the Riverina in rural New South Wales. The Narrandera to Tocomwal network, in particular, sustained small towns across the regions and enabled farmers to transport their produce by the most effective means. Train networks created jobs, expanded economies and attracted population growth but, like hospitals, services, infrastructure and everything else in our regions, The Nationals gradually dismantled those rail networks. Thriving towns have since turned into ghost towns and rotting, abandoned rail lines have become eyesores. The Narrandera to Tocomwal railway line in the middle of Australia's food bowl is a classic example of that. It was the crucial route that allowed farmers to connect their products with Melbourne for export, but the Government decommissioned the line 30 years ago.

The last goods train from Tocomwal to Narrandera was in 1985. Instead, we now have trucks clogging the pothole-filled Newell Highway. Decades of neglect by National Party members in the Parliament is now causing many farmers to miss out on getting their produce to Melbourne by the most cost-effective means. In the run-up to the Cootamundra by-election in 2017, Steph Cooke and John Barilaro announced plans for a Narrandera to Tocomwal railway reactivation. The Nationals spent \$500,000 of taxpayers' money on a feasibility report to determine whether the line could be opened. The whole community was excited and buoyed by the revival of rail in the region. The Nationals won the by-election, but their tune changed after that—that was just another furphy from The Nationals during an election campaign.

The feasibility report was completed in 2018 but very few people have seen it. The Nationals have kept it secret by hiding behind the old commercial-in-confidence line. They told us that the report said the railway line was not viable. In my view "not viable" means that it does not have much commercial value. So how can The Nationals behind the old line of commercial in confidence? Why are The Nationals hiding a taxpayer-funded report from the taxpayers who actually paid for it? It is undemocratic and devious. Narrandera Shire Councillor Wes Hall spoke out against that secrecy. He called on Steph Cooke publicly to release the report, but was then sacked from his role as rail representative. In a letter the mayor told Wes that by speaking out he was putting future funding for the shire in jeopardy. Wes has since resigned from council.



That is more evidence of how the Government uses taxpayers' money as its own personal slush fund. You have to obey Government members silently if you want to get your fair share, or they will troll out their hired muscle to stand over you. Wes Hall is one of the people who has read that report. He said there was nothing sensitive in it and that it could easily be made public. I suspect that the Government did not like what it read, so it kept the report hidden. The taxpayers paid for that report; the taxpayers deserve to see it. I commend the motion to the House.

**The Hon. SCOTT FARLOW (23:22):** I speak in opposition to the order for papers under Standing Order 52, though the Government will not divide on the matter. The Transport cluster respects the power of the House to use an order for papers to exercise its functions as a house of review.

**The PRESIDENT:** The Hon. Robert Borsak will come to order. He will have a chance to contribute to the debate.

**The Hon. SCOTT FARLOW:** The Transport cluster will continue to work closely with Department of Premier and Cabinet and other agencies to ensure that all requirements under orders for papers are met. Those orders can require staff to review large quantities of documents within seven- to 28-day time frames and often in the context of technological limitations. Those orders for papers collectively have resulted in thousands of documents being produced to the Legislative Council and they have required considerable resources, which has tested the capacity that is available within the cluster. A response to a Standing Order 52 call for papers can divert many hundreds of staff hours from tasks that are critical to the effective operation of the Transport cluster.

Transport has spent over 11,230 hours dealing with calls for papers under Standing Order 52 since 2019—I suspect that with three Standing Order 52 motions tonight it will increase significantly—which is equivalent to at least 6½ full-time public servants working exclusively on responding to orders for papers for a year, without exercising any leave entitlements. That work constituted 830 hours, or 118 working days, spent responding to the CBD and South East Light Rail order for papers; 850 hours, or 121 working days, responding to each of the Newell Highway procurement and WestConnex contracts orders for papers; and 650 hours, or 93 working days, responding to the Passenger Service Levy order for papers. Staff are already at capacity in undertaking their regular duties and any diversion of resources would be likely to cause significant disruption to their core day jobs, which are to maintain the public transport network and deliver key pieces of infrastructure to the community.

I am advised that the Narrandera to Tocumwal Rail Line Reopening Feasibility Study is confidential due to the commercial-in-confidence information it contains. In order to assess the project's viability and true potential, highly sensitive commercial information is provided by possible users of a reinstated network and industrial stakeholders, including their growth forecast and potential expansion plans. In fact, it is a precondition of all rail feasibility studies funded under Fixing Country Rail that all studies remain confidential for that reason alone. We will seek advice from the department, but our expectation will be that the commercial-in-confidence nature of this document would be protected through privilege. As the Minister has advised the Legislative Assembly previously, a high-level executive summary is publicly available and has been on the Transport for NSW website since February 2019. A full copy of the study is held by the Narrandera Shire Council and is available to be viewed by the relevant local members under appropriate confidentiality requirements.

**The Hon. JOHN GRAHAM (23:25):** I contribute to debate on this motion on behalf of the Opposition. When we hear the Hon. Mark Banasiak refer to the background to this issue, sadly it is a very familiar story: promises before the by-election that disappear afterwards, public money splashed around—in this case \$500,000 for a study—then nothing happens, the threats, the sackings. It is a familiar story. I thought the Hon. Mark Banasiak's description of the un-commercial-in-confidence nature of this report was a good one. The Opposition does not accept that there is a public interest in keeping this under wraps, behind closed doors and in secret.

There is nothing in the description given by the Hon. Mark Banasiak or in the Government's position that means this could not be dealt with in a manner similar to the manner in which this House has dealt with other issues. If Transport for NSW officers feel that keeping track of the promises of the Deputy Premier is difficult, they should be thankful they do not administer one of the grants programs because there are a whole lot of other agencies that are having much more trouble than Transport for NSW is experiencing in relation to this project. They should be careful what they wish for. I commend the motion to the House.

**The Hon. ROBERT BORSAK (23:27):** I support the motion moved by my colleague the Hon. Mark Banasiak. Having heard the stump speech from the Hon. Scott Farlow about how many hundreds of thousands of hours producing the document takes and how many millions of dollars in expenditure this particular call for papers will generate, I point out the reality of the situation. It is a simple report based on a promise. The Government prepared a report but is not prepared to make it public. What on earth is the use of making a promise to the people from Narrandera through to Tocumwal when the Government is not prepared to put the report on the table and tell people what it is all about?

To say that a copy of the full report is available to the local member in the archives of the Narrandera Shire Council hardly satisfies the requirements of this call for papers under Standing Order 52. The Government needs to come clean on this. If the Government is prepared, as The Nationals always do, to make hollow promises and then not fulfil those promises after the election, the Government should come clean and explain to the people in that electorate what exactly is going on, what happened and why the Government cannot support the project to the next stage. I fully support the motion that calls for the report to be produced under Standing Order 52.

**The Hon. MARK BANASIAK (23:28):** In reply: I thank all members for their contribution to the debate. Just to touch on the Government's response and assist Transport for NSW in expediting the process, I point out that on the computer that officers have in front of them there is a little Windows icon next to a search function. If they type in that search area "Narrandera to Tocumwal railway line" I am sure they will be able to find the report quite swiftly.

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

**Motion agreed to.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

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

That private members' business item No. 1004 outside the order of precedence be postponed until a later hour.

**Motion agreed to.**

*Documents*

**BUSHFIRE SUPPORT GRANTS**

**Production of Documents: Order**

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

That private members' business item No. 1022 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (23:30):** I seek leave to amend private members' business item No. 1022 outside the order of precedence as follows:

- (1) Omit "within 21 days of the date of passing of this resolution" and insert instead "by 15 March 2021".
- (2) Insert ", excluding any documents previously returned under an order of the House" after "the following documents".
- (3) Insert "Round 1" after "Bushfire Local Economy Recovery Fund".
- (4) Omit "and any other grant process arising as a result of the 2019-20 bushfire season".
- (5) Omit paragraphs (c) and (d) and insert instead:
  - (c) all documents relating to the ranking, recommendation and approval of the grants, including the final signed brief by the decision-maker approving the grants and notification to applicants and media representatives;
- (6) In paragraph (e) omit "including email correspondence".

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House by 15 March 2021 the following documents, excluding any documents previously returned under an order of this House, created since 1 September 2019 in the possession, custody or control of the Premier; Deputy Premier and Minister for Regional New South Wales, Industry and Trade; Minister for Agriculture and Western New South Wales; Department of Premier and Cabinet; Department of Planning, Industry and Environment; Regional NSW; or Resilience NSW relating to the following 2019-20 bushfire season grants: Bushfire Local Economic Recovery Fund Round 1, Sector Development Grant, Supply Chain Support Grant, Wine Grape Smoke Taint Grant, Apple Recovery Grants, Special Disaster Grant:

- (a) all guidelines and criteria, including those communicated to applicants;
- (b) all correspondence to each applicant;
- (c) all documents relating to the ranking, recommendation and approval of the grants, including the final signed brief by the decision-maker approving the grants and notification to applicants and media representatives;
- (d) all documents relating to rejected applications or projects;
- (e) all documents relating to the approval of the Macleay Valley Skydiving Adventure Park;

- (f) all documents relating to the approval of grant funding for Snives Hives; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

A similar motion was put in front of the House in relation to the bushfire grants. For the benefit of the House, I will explain that the Opposition has slowed this down and excluded anything that is produced in the motion of Mr Shoebridge, in order to assist the Government in the production of documents. It has also trimmed the extent of the production. That has come out of direct discussions and that has been a helpful process. The reason why the Opposition is pressing the case for some additional documents is that there are real concerns about this money, the vast bulk of which was spent in Government electorates.

There was a heated exchange in the House earlier when there was a strong defence of this program by the Deputy Leader of the Government. That defence will go down appallingly in the places that have missed out altogether: the Central Coast, the North Coast and the Blue Mountains. They are places that were devastated by fire and have not received the benefit of disaster relief funding by way of the bushfire grants. This motion presses the case specifically in relation to two projects, both of which were discussed earlier in the House. One of those is the Macleay Valley Skydiving Adventure Park. It is the largest single grant in the program in New South Wales. It received more than \$11 million.

Since we had that exchange earlier, Mr President, it has come to my attention that the amount granted was higher than the applicants even asked for. They only asked for \$7.5 million of public funding. It was not about bushfires and it was not urgent. The council had planned to have this done by perhaps 2025. It was welcome; I do not doubt that. Of course the funding was welcome, but it was not urgent, it was not bushfire related and it was not what they asked for. It was millions of dollars more than they had asked for. They asked for \$7.5 million, and more than \$11 million was delivered through this program at the same time that the Blue Mountains, the Central Coast and the North Coast missed out. There are major questions to answer about the fund. That is why the Opposition presses the case. When asked, the Deputy Premier declined to comment on how that happened.

When the Public Accountability Committee met to discuss this the Deputy Premier indicated it was all the work of bureaucrats: They set the criteria, they judge the projects and they recommend the grants. We will test that further but if that is the case there are senior public servants who have to answer why \$7.5 million was asked for but millions of dollars more of public funding was dished out the door to this grant. That is why we seek this information. I commend the resolution.

**The Hon. SCOTT FARLOW (23:36):** The Government will oppose this motion. I acknowledge the amendments made by the Hon. John Graham and thank him for his constructive conversations with the Minister's staff. I place on record a sense of frustration and disappointment in those opposite. The only people politicising bushfire funding in the House are The Greens and Labor. Let me clear up the blatant misinformation I have heard from some of those opposite. Approximately \$4.4 billion has been committed by the New South Wales and Commonwealth governments to the bushfire response, recovery and preparedness efforts in New South Wales. That includes \$3 billion from the New South Wales Government. That is a significant sum of money to support affected communities right across the State. Earlier this evening members of this House attempted to misrepresent the facts.

I will state the facts. The Bushfire Local Economic Recovery Package is just one small piece of a very large package of funding to support bushfire affected communities across New South Wales. It has not yet been half allocated. Bushfire recovery support has been deliberately staged to ensure the short-, medium- and long-term needs of impacted people are met, no matter where they live. The 2019-20 bushfire season involved active fires across 50 local government areas. Some areas were more impacted than others. Every single community that was impacted by bushfires is being supported in a variety of ways. The Bushfire Local Economic Recovery Package is being delivered as multiple components, one of which is a \$250 million open round that only closed for applications on 28 January 2021. Passing this motion will require significant resourcing to be redirected from the current assessment process for the open round. That is simply a fact. It is simply untrue to suggest we are trying to avoid transparency.

The team who will have to down tools and print thousands of pages of documents to fulfil this order and a previous order of the House are the same team who are currently trying to process more than 650 applications requesting over \$1.6 billion in funding. That represents more than \$2.1 billion in total project value. They have advised us that the diversion of their efforts could delay successful project announcements and affect the deliverability of individual projects and overall funding outcomes. That, again, is simply a fact. Members grilled the Deputy Premier in a hearing of the grants inquiry that he volunteered to attend in the spirit of transparency. Members have questioned our department experts repeatedly. These department experts have helpfully provided additional information when requested. Playing politics and misrepresenting the facts does a huge disservice to

bushfire affected communities. The Standing Order 52 application would only take away valuable time and slow money reaching bushfire affected communities across our State.

**Mr DAVID SHOEBRIDGE (23:39):** The Government's suggestion is that because it is required to have some transparency on the first round of highly politicised bushfire grants it will take people off the assessment of the second round of bushfire grants and further delay any money going to the people of the Blue Mountains, the Central Coast and the North Coast. People who live there have the double misfortune of seeing their areas savaged by last summer's fires and not living in Coalition electorates. Now they are being doubly penalised by the Government because they did not vote for the Government. They did not get the funding in the first round because they did not vote for the Government, and now the Government says it will delay the second round of funding because this House is asking for some transparency in the \$177 million pork-barrel scandal of its first round of bushfire funding. It is a disgraceful proposition.

If members opposite are wondering why we want documents, I will give them some insight into the reason. In the course of last week's hearing of the Public Accountability Committee, the Deputy Premier put a series of unsupported propositions about the criteria under which the \$177 million of funding was handed out, allegedly to try to throw some light on how the funding was distributed. Amongst other things he said that projects had to have a \$1 million threshold before they could be funded. Of course, about half the projects were well under \$1 million, even according to the Government's own documentation. So the committee said to the Deputy Premier, "Produce the documents to us. Show us the documents you have that set out the criteria. Hand them up." He said, "Fine, fine, I'll hand them up," and he gave us a two-page document.

That was his documentary proof of the criteria. And what was it? It was two pages of speaking notes typed up by his office for the purpose of the hearing! It was just speaking notes in dot points. That was his documentary proof. Is it any wonder that we actually want the documents? Of course the people of New South Wales want transparency. They are disgusted by the politicisation of disaster relief distribution, and they are right to be disgusted. So let us shine a light on it and get to the truth of it. The Hon. John Graham has made a number of good-faith amendments to the motion to ensure there is no doubling up in the two motions for production of papers under Standing Order 52. The Greens support those amendments and the amended motion.

**The Hon. JOHN GRAHAM (23:42):** In reply: I will deal with the Government's arguments. With respect to round one of the funding and the view put by the Parliamentary Secretary, I simply quote the mayor of the Blue Mountains and the view he put on the public record about this program. He said it was:

... designed to support villages across the Blue Mountains with many having a distinct bushfire recovery and resilience focus. We worked really hard to make these projects focused, practical, helpful and designed to stimulate our local economy. With a \$560 million hit to our local economy and a loss of 2500 jobs, I still can't believe we received no funding from the first round. I just can't comprehend how that could be.

That is the view of the mayor of the Blue Mountains, a Labor mayor. I say that proudly, but that view is the view of every resident of the Blue Mountains—Labor, Liberal or however they vote. If the Government wants to argue that point, I encourage it to do so. The Government says with respect to round two, "We will make this up in round two." It will now because the whistle has been blown on this program. That is the truth. That is why these other areas will now get funding. If the funding decisions had gone unscrutinised, we fear that it could have got worse.

The Parliamentary Secretary put a number of observations on the record, but like the Deputy Premier he declined to comment on the fact that the adventure park asked for \$7.5 million and got more than \$11 million. That additional amount of more than \$3.5 million would have gone a long way to funding everything the Blue Mountains asked for. That money could have gone a long way if the Government had just given the adventure park project, which was not urgent and not bushfire-related, what it asked for. Instead, it gave millions of dollars more to that project and not to the North Coast, not to the Central Coast and not to the Blue Mountains.

I give the Deputy Premier credit for at least turning up to the inquiry. He turned up and we had time to question him. There were more questions that needed to be answered but he turned up, he put his view and there was disagreement about what was appropriate. I encourage the Premier to do the same; that is the appropriate thing to do if Government representatives want to defend this program. I am surprised that the Government has come into the House tonight and defended the shredding and is now defending the bushfire season grant scheme and the way it has been allocated. With almost all of the money going to Government seats, the Government should quit while it is behind.

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

**Motion agreed to.**

*Motions***MODERN SLAVERY ACT 2018 NON-COMMENCEMENT****Attendance of the Leader of the Government in His Place**

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

That private members' business item No. 973 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (23:46):** I move:

- (1) That this House notes the resolution of the House of 18 November 2020:
  - (a) that found the continued delay in commencing the Modern Slavery Act 2018 (NSW) (the Act) by the Berejiklian Government as unacceptable; and
  - (b) that this House would regard a failure by the Berejiklian Government to commence the Act by 1 January 2021, in accordance with the will of the House and the recommendations of the Social Issues Committee report, as a contempt of this House and would hold the Leader of the Government accountable as the representative of the Government in this Chamber.
- (2) That this House accordingly censures the Leader of the Government as the representative of the Government in this House for the Government's failure to commence the Act.
- (3) That this House orders the Leader of the Government to attend in his place at the Table on the next sitting day at the conclusion of the prayers being read to provide an explanation for not commencing the Act and to indicate to the House when the Act will commence.
- (4) That, if the House is not satisfied by the explanation from the Leader of the Government, it will require the President to seek legal advice as to the powers of the House to compel the commencement of the Act and take whatever action necessary to protect the rightful powers and privileges of the House.

The motion seeks to censure the Leader of the Government, as the representative of the Government in this place, for the Government's continued failure to bring into force and effect the Modern Slavery Act 2018. Members of the House will remember that important legislation, sponsored in this place by the Hon. Paul Green, a Christian Democrat member. The legislation was inspired by the work of an upper House committee, on which my colleague the Hon. Greg Donnelly and the Hon. Paul Green did great work. They brought the legislation to the floor of the House, and in a fairly rare display of cross-party goodwill to tackle this terrible scourge, the legislation was enacted with the support of this House and the other place. I think the only dissent in either Chamber was Dr Peter Phelps, the former Government Whip and former member of this House.

That was in June 2018. More than two and a half years later, the legislation has not been brought into force and effect. After the 2019 election, the Minister responsible, the Leader of the Government in this place, said, "The legislation has all of these terrible legal defects but here is an amending Act; here is a set of regulations. Let's have the social issues committee have a look at it, with a blueprint for change to address these problems." The Standing Committee on Social Issues held an inquiry and made recommendations. I think—and the Hon. Shayne Mallard will correct me if I am wrong—the committee recommended that 1 January 2021 is when the legislation should be brought into effect.

Whether that is the case or not, this House on 18 November last year said, "We find this continued delay unacceptable and if the 1 January 2021 deadline is not met, this House will regard it as contempt." That deadline has come and gone. Having said there were terrible legal defects and having had the inquiry, why has the Government not sought to put an amending bill to this House so that the defects can be remedied? Well, of course, the goalposts have shifted. Now the Government is seeking to harmonise with the Commonwealth. As we know, the thresholds for the Commonwealth legislation are much higher than for the operation of the State Act and there are no penalties for noncompliance in the Federal Act. Harmonisation may be desirable but there has to be an end in sight.

There has to be a point in time at which the Government says, "This is the time frame, this is the deadline, this is when we can expect some legislative regime to be in place to start to tackle the scourge of modern slavery." It is not too much to ask and yet the Government continues to dither. It is almost as if it wants to send a big bright green light to those engaging in modern slavery-like practices. We are just about mid-term into this Parliament and it has not pressed "go" on this legislation. Is it really beyond the wit or wisdom of the Berejiklian administration and one of its most senior members that they cannot get their act together to put a piece of legislation into the shape they think it needs to be in to make it workable—if that is in fact their true position?

Or are they just seeking to continually delay bringing the legislation into force because they did it to curry favour with crossbench members in this place when they needed them? But now that they do not need them, do not want them or it does not avail them, maybe the big end of town is leaning on the Liberal Party; maybe they

do not want this legislation at all. This House and the other place enacted the legislation, and we and the people of New South Wales deserve a clear, frank and proper answer about when it will be brought into effect. We censure the Government, which is proposed in legislation, and ask the Leader of the Government to level with us and give us the frank explanation that we, as legislators, deserve and that the New South Wales community deserves even more.

**The Hon. MARK LATHAM (23:51):** One Nation supports the motion moved by the Leader of the Opposition. We were not in the Chamber at the time but we did inherit some of the legacy—the staff members of the Hon. Paul Green and Reverend the Hon. Fred Nile who worked hard to bring effect to the Modern Slavery Bill 2018. It is remarkable that it has not been brought into force because it was brought to my attention on reading the *Hansard* that the Premier spoke glowingly about how proud she was to be part of the introduction of the bill in the Legislative Assembly. It must be a rare occasion in the Westminster system when a head of government personally endorses a bill in the Chamber, saying how good it is, and then two years later it has not been brought into force. We can only conclude at that point that, unfortunately, the Hon. Paul Green and Reverend the Hon. Fred Nile were played off a break; they were used by the Premier when they had the balance of power in this Chamber and the Modern Slavery Bill 2018 was part of that ruse.

But as soon as the balance of power dissipated, the bill has not been brought into force. I feel desperately sorry for former member the Hon. Paul Green and for Reverend the Hon. Fred Nile for what has happened. It is certainly a reason for bad blood with the crossbench and it builds on top of what I hear from the shooters party about agreements that were made back in the day, only to be broken by the Government. Thank goodness One Nation is not so naive as to enter into any such agreements and be duded along the way. We are very sceptical about the Government's disrespect of the Parliament and the bad blood the Premier has created on this matter. If she thought the bill was good enough to personally endorse in the Legislative Assembly, would we not expect that it would have been brought into force? What does it say about her that she would make such a speech and then not follow it up?

There is a very strange attitude to Parliament from the Executive Government. It is a disrespect that I have not seen in this quantity before. It runs through non-answers to questions, the farce of the Government Information (Public Access) Act process, the lack of consultation and transparency on key issues, and now—at the very worst—the Premier endorsing the bill in her own Chamber and not bringing it into force. It is unbelievable that this has happened, so of course the Government should be censured. If it had any sense it would bring the law into force, act on it and show a little respect for Reverend the Hon. Fred Nile, who I understand has a reasonable, pro-Government attitude in this Chamber, in exercising the balance of power. The disrespect to the longest-serving member in this place is manifest.

**Mr DAVID SHOEBRIDGE (23:54):** On behalf of The Greens, I speak in support of the motion. I was a member of the Standing Committee on Social Issues. I acknowledge the chair, the Hon. Shayne Mallard, and his leadership in bringing the committee to what ended up being a very sensible and moderate position of endorsing the concept that the bill commence no later than 1 January 2021. However, there was a push from some members of the committee to change the date to 1 July 2020. I was torn between these two dates. In the end I listened to the Government's argument that it needed additional time to digest the recommendations and decided to support the 1 January 2021 date. But nothing has happened.

Again the Government says one thing in negotiation and discussion and then does quite a different thing in practice. It is worthwhile reflecting on a couple of matters. Firstly, it was good work from the Hon. Paul Green. We disagreed on many things in this Chamber but on this I acknowledge his work. Having got the bill through the House, it was taken downstairs by the Premier. I will read some of the extracts from her second reading speech in support of the bill. She said:

I have the absolute privilege of introducing the Modern Slavery Bill 2018, on behalf of the Hon. Paul Green, MLC, for consideration by this House.

...

It is not every day that members of this place or the other place put forward something that will have a positive impact for literally thousands of people, and I commend the member for all his activity in this regard.

...

Slavery and human trafficking are transnational crimes that prey on society's most vulnerable people. They have many faces—human trafficking, servitude, forced labour, debt bondage, organ trafficking, deceptive recruiting, child cybersex trafficking, forced marriage and childhood brides.

...

It is unacceptable that human trafficking takes place in Australia today and, on the back of the great work done by the Hon. Paul Green and the working group, this Government is committed to taking action to combat modern slavery in New South Wales.

That is what the Premier said when she needed Christian Democrat votes in the last Parliament ahead of the next election. She obviously no longer believes the Christian Democrat vote is as essential to her in this place; she is junking those commitments and making a mockery of the statements of principle she made to the lower House. The bill was sent from this Chamber to the other Chamber with a proclamation date that granted the Government discretion but not a blank cheque. That is why The Greens support this censure motion moved by the Opposition.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:57):** I am sure that the Leader of the Government will deal with this censure motion and the substance of the arguments that have been made, but I will first make one very pertinent point. What does the Act provide? In its current form it commences on the day or days to be appointed by proclamation. That is what members of this House voted for and that is what members of the House are bound by. That was the clause passed by the Parliament. It could have been amended at any time during the debate to include a commencement date, but it was not. In fact, the Opposition could bring a bill today to amend that clause to provide for a commencement date. It engages in this farce of seeking to censure the Leader of the Government rather than doing any work in relation to the position it maintains. Opposition members should not support this censure motion. If they wanted to do the work to identify the commencement date, they could propose a bill to amend the Act.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (23:58):** I foreshadow that I will seek leave to suspend standing orders so that I can finish my speech and possibly the debate tonight.

**The PRESIDENT:** Does the Minister propose to do so before 12 o'clock? If so, he should seek leave now.

**The Hon. DON HARWIN:** I seek leave to suspend standing orders to allow for the conclusion of this debate and the holding of a vote prior to the adjournment of the House.

**Leave not granted.**

**Mr David Shoebridge:** Point of order: I have been sitting here trying to listen carefully to the debate but the Hon. Shayne Mallard has been repeatedly interjecting—and he is doing it again during my point of order. I note the support from Opposition members, but he is interjecting now and is trying to pretend it is in good faith.

**The PRESIDENT:** There is no point of order. According to sessional order, it being midnight proceedings are interrupted.

*Adjournment Debate*

## ADJOURNMENT

**The PRESIDENT:** I propose:

That this House do now adjourn.

## RENEWABLE ENERGY

**The Hon. MARK LATHAM (00:00):** Two days ago on Sydney's northern beaches the Minister for Energy, Matt Kean, declared, "We have seen a huge uptake in rooftop solar in New South Wales." In our Chamber, Mr David Shoebridge agrees, issuing a press release on 30 November pointing to the way in which rooftop solar contributes 20 per cent of New South Wales' electricity generation—around 3.5 gigawatts. The Leader of the Government in this place, the Hon. Don Harwin, also agrees at page 8 of his December 2018 NSW Pumped Hydro Roadmap, highlighting how rooftop solar contributes 3.5 gigawatts to New South Wales' power, with a forecast increase to seven gigawatts in 2040.

Why then did the economic modelling for Minister Kean's Electricity Infrastructure Roadmap and bill assume a rooftop solar contribution of just one gigawatt, 2.5 gigawatts below the accepted reality? The answer is simple. If rooftop solar is massively underestimated, that means utility solar and windfarms in New South Wales in the renewable energy zones need to do more—an extra 2.5 gigawatts—to make up the difference. In picking winners and going 100 per cent renewable, Minister Kean's policy has been modelled to say that we need 13 gigawatts of future electricity generation: 12 from the renewable energy zones he legislated, plus one gigawatt from the rooftop solar. But if the correct rooftop solar figure is used—3.5 gigawatts—then to get to 13 gigawatts overall we only need 9.5 gigawatts from utility wind and solar farms. Yet Minister Kean, supported by Labor and The Greens, has legislated the inflated figure. He has not just announced it as a policy; he has legislated and put it into law.

So who benefits from this embarrassing mistake in the economic modelling? Most certainly firms that do the political lobbying for solar and windfarms—they will make good money from the roadmap's overestimation—and also companies that broker power purchasing agreements and take a healthy commission for themselves. Who

fits these categories, dipping in to line their pockets from the massive modelling mistake? It is the Michael Photios and Ian Hancock renewables cartel at the PremierState and PremierNational lobbying firms and the Clean Energy strategies. And who did the economic modelling to favour Photios and Hancock? A guy called Cameron Hepburn from Aurora Energy Research—the founder of Aurora, a director and the owner of 275,000 shares at the end of October 2020, as the modelling mistake was about to be published and legislated by the Government.

Matt Kean has paid \$302,000 for this shemozzle—a mistake to benefit the Liberal factional powerbroker to whom Kean owes so much, Michael Photios, funded by the New South Wales taxpayer. It is a huge amount: over \$300,000 for a report that is riddled with holes and mistakes. Who is Cameron Hepburn? He is on the Photios and Hancock payroll of course as a strategic adviser at the Blueprint Institute where Hepburn also does research work. The Blueprint Institute, established and funded by Photios and Hancock, is mostly made up of kids—novices straight out of university. The real work is done by Hepburn out of his Smith School in the United Kingdom.

But unfortunately this is how Matt Kean is doing things. He needs the support of Photios as a Liberal powerbroker, so he gets someone from the Blueprint Institute to do the modelling for the NSW Electricity Infrastructure Roadmap, who creates an error that massively advances Photios' financial position. As a Liberal MP put it to me, "This is the ultimate fee-churning factory for Photios and Hancock and their renewable energy clients, used to fund the moderate faction forever." In truth, I believe it should be subject to an ICAC investigation, and I have given notice in this Chamber to that effect. The electricity road map has unfortunately become a Petri dish for impropriety, and it gets even worse. In answer to question on notice No. 3486, Minister Kean admitted that his policy director for energy, Ava Hancock—Ian Hancock's sister—has declared a conflict of pecuniary interest in her work. I quote from the Minister's answer:

She has made disclosures under cl 5 of the NSW Office Holder's Staff Code of Conduct. It is appropriate to observe that the template for ... disclosures include disclosure of Mr Ian Hancock's interests in Clean Energy Strategies, Premier State and Premier National.

It is a permanent conflict of interest that has been allowed to stand. I cannot understand how that is consistent with ethical standards in government. If there is a permanent conflict of interest, the Minister needs to deal with it and resolve it in a firm and decisive fashion. Most likely the Minister's energy policy director was part of the decision to use Cameron Hepburn for the road map modelling, selecting a compliant person from her brother's institute to help make more money for her brother. [*Time expired.*]

### HUNTER REGION

**The Hon. TAYLOR MARTIN (00:05):** Since entering Parliament in 2017 as the Liberal Party's provincial MLC for the Hunter and Central Coast, I have spoken up on behalf of the Hunter region. I will continue to work with locals to ensure their unique issues and challenges are heard in this place, and I look forward to doing so as a Parliamentary Secretary within the Berejiklian Government. The role provides additional opportunities for the Hunter to be represented within the New South Wales Government. As members know, the Hon. Catherine Cusack has done an excellent job in the role in her time. It must be said that Scot MacDonald, MLC, did a truly outstanding job criss-crossing the region for years, particularly in the previous term of Parliament. As Parliamentary Secretary for the Cost of Living, I will be assisting the Government with how best to reduce the cost of living and provide rebates for the residents of New South Wales. I look forward to working with the Minister, the Hon. Victor Dominello, MP, to continue the great work that our Government does through Service NSW.

It is projected that between 2016 and 2041 an additional 137,000 people will call the beautiful Hunter region home. This is a challenge that requires all levels of government to work together to deliver for the future needs of the region. Last week I was at Williamstown for the announcement by the Prime Minister that BAE Systems at Williamstown will be a regional hub for the maintenance, repair, overhaul and upgrade of Australia's F-35 Joint Strike Fighters. The maintenance hub will also support F-35 fighters from Japan, South Korea and Singapore. This is in addition to the New South Wales Government's investment in the Williamstown defence and aerospace Special Activation Precinct and Astra Aerolab. Together this means that thousands of highly skilled and well paid jobs from defence and aerospace industries, along with education and training opportunities, will be coming to the Hunter.

The New South Wales Government is delivering upgrades totalling \$1.25 billion across the two major hospitals in the Hunter region at Maitland and John Hunter. Works on the new \$470 million Maitland Hospital at Metford are well advanced. I was there 12 months ago for the first concrete pour of the main building, and already the building has been topped out. Major works will continue over the next year, with the opening scheduled for later on. The new hospital will provide the infrastructure required to respond to the anticipated growth in the Maitland region. It will feature emergency services, intensive care and critical care services, medical and surgical



inpatient services, day chemotherapy, mental health services, ambulatory care and outpatient clinics, maternity services and much more.

Recently I visited the Belmont Wetlands State Park to meet the staff and volunteers who manage this important local site. The wetlands in the Belmont Wetlands State Park and the surrounding area represent the largest remaining coastal wetland system in the Lake Macquarie Local Government Area. The wetlands have a high conservation value and remain in relatively good condition despite being disturbed in some areas by a history of sandmining, which is still quite evident. The economic value of the park is currently unrealised and there is potential to improve management and generate funding for maintenance and rehabilitation works through the introduction of ecologically sustainable development at suitable sites. This is why the park was granted \$286,000 to construct two amenities blocks, which will provide much-needed facilities to cater for the growing number of visitors to the park.

This was part of a total of more than \$1.4 million in funding for a range of local improvement projects for Crown land reserves and community facilities in the Newcastle and Lake Macquarie local government areas. Members are aware that I am extremely passionate about our region. I look forward to being its voice within the State Government. Over the coming weeks I will meet with local government, business groups and other stakeholders. I have already met with four of the eight lower House members in the Hunter and I look forward to working together to make sure that the Hunter is an even better place to live and work in the future.

### CHILD MENTAL HEALTH

**The Hon. TARA MORIARTY (00:09):** We need to take a good look at what is going on with our children and their mental health. The pandemic and other disasters of last year have certainly placed a significant strain on how many children across the State and country are feeling. Recent statistics highlight the extent of the problem, with children presenting for medical treatment with a mental illness much earlier than ever before. The recent Productivity Commission report into mental health estimated that 14 per cent of children between the ages of 14 and 17 years experienced a mental illness in the last 12 months. A global study conducted by the University of Queensland in 2020 collected data from 275,000 teenagers. The study found that one in five teenagers experienced thoughts of suicide or anxiety and, of that one in five, 14 per cent had suicidal thoughts and 9 per cent suffered anxiety over a 12-month period.

These figures are alarming and devastating. We know that the effects of mental illness can persist throughout a person's lifetime. Mental illness can impact young people in many ways. It can affect their schooling, lead to lower levels of connectedness with their peers and reduce future opportunities for employment. It is critical that we get the early support right to help our kids through their formative years and set them up for a mentally healthy life. I have talked a lot in this place about meeting with service providers, experts and people with lived experience over the past year. In almost every meeting, discussion, roundtable or event I have held or participated in, one of the common themes I hear is that there is a greater and growing demand for services for younger and younger children. Join that with data collected by the National Mental Health Commission, which reveals that mental health services like Lifeline Australia, Kids Helpline and Beyond Blue answered more than 112,000 calls last month—a 38 per cent increase in calls compared to January 2019. During the pandemic, providers also identified a surge in support relating to self-harm, body image issues and eating disorders.

Over the summer I had a little bit of time to catch up on some reading. One of the books I read was the latest in a series by former journalist Madonna King, entitled *Ten-Ager*. It is mostly a guide for parents on the issues facing young girls as they move from childhood to their teenage years and covers the issues of social media, bullying, body image, anxiety and many other challenges. King provides observations from 500 10-year-old girls, parents, teachers, principals and psychologists about some of the concerns that young girls are dealing with. She notes that more than half of all girls whom she has engaged with aged six to eight believe their ideal bodies are thinner than their current body, and she reports on a recent survey conducted by Mission Australia which rates body image as the third biggest issue for respondents between 15 and 19 years of age.

We expect that in older teenagers, but girls as young as six feeling concerned about the size of their body is mind-blowing. I understand that body and self-esteem issues for teenagers have been this way for probably forever, but the depth of feeling about it and the ramifications that are not easily grown out of are increasing and worsening. Self-harm, eating disorders and self-medication are all things that need proper attention and care. While the problem is becoming more prevalent, the solutions of the Government have not been as forthcoming as required. There is simply not enough specialist support available to meet demand, and too often the burden is left to families to manage the best they can. I have talked a lot about this in this place and I will continue talking about it until we see real movement. There are not enough psychiatrists to meet the current demand for services. It is projected that there will be a shortage of 74 full-time psychiatrists in New South Wales by 2025 and a shortage of 124 by 2030 if action is not taken now.

The Government must hear the calls from service providers, many of whom are overrun and stretched to the limit, as well as from those with lived experiences and from parents. There is a real need and plenty of evidence to support and better resource early intervention services. As well as services we need to equip parents and teachers with the skills and tools to navigate conversations about the concerns of the young people in their care. We have become a lot better at awareness campaigns, and that has to continue, but there must be appropriate levels of support available where and when people need it, especially young children who, with the right support, can positively affect the direction of the rest of their lives.

### NIGERIAN CHRISTIANS

**Reverend the Hon. FRED NILE (00:14):** I speak on the persecution of Nigerian Christians. I was recently visited by a delegation led by Christian charity Barnabas Fund Chief Operations Officer Jude Simion concerning a matter that has been covered recently by the press, namely the continuing genocide of Christians in Nigeria. Many may think that Nigeria is a distant land, but it is a fellow Commonwealth country and I think it is important that we keep up to date with the affairs of our neighbours. Jude Simion brought to my attention an open letter to the Prime Minister, which he has organised as part of a campaign and petition for Australia to address the plight of Christians in Nigeria. The open letter can be supported by members of the public by going to the petition's website and signing it at [savenigerianchristians.org](http://savenigerianchristians.org). I read the letter because I believe my colleagues in this House should be made aware of what is happening. The letter is addressed to the Prime Minister of Australia and says:

I am alarmed that Nigerian Christians have suffered a surge of extremist violence with at least 8,400 Christians murdered since 2015 and over two million Nigerians displaced from their homes.

I am shocked that the Nigerian authorities are not bringing perpetrators to justice, and that Christian communities are not being protected adequately, despite the authorities claims that they are safe.

This is not primarily so-called "tribal violence" as Boko Haram declared in August 2016 that they would "blow up every church and kill all citizens of the cross", and armed militant Fulani herdsmen cry "Allahu Akbar" in their attacks, leaving thousands of victims maimed, burned, kidnapped or forced to flee.

I urge you today to bring this to the attention of the Commonwealth Heads of Government, and to consider diplomatic pressure and policy responses to the following:

- The Nigerian Government's failure to respond adequately to the violence,
- The need for persecuted communities to be protected, and
- The need for Nigerian authorities to bring perpetrators of violence to justice.

All these issues need to be addressed if we are to save lives and improve the welfare of Nigerian Christians, and all civilians affected by this unrestrained violence.

I echo the concerns in this letter. I encourage all my colleagues to lend their support to this campaign. The best way to defeat inequity is to shine the light of day on it. Twenty-one Christians were massacred this year while attending a wedding. Many such atrocities occur only because the international community is kept in the dark and people largely do not know what is happening. One village head from the Middle Belt region told the Barnabas Fund this year that:

We are tired and we do not want to bother others about our tragedies. We seem only to be reporting deaths and attacks, and people are weary of our reports.

It really is a tragedy that things are so bad that some people in the international community simply see this as normal, as business as usual. In the past I have lobbied for the community to acknowledge racial and religious-based genocide in Africa. This is just another such case that needs to be addressed urgently. I hope that this open letter does in fact get a response from the Prime Minister of Australia. The best way that we can apply pressure to the Government of Nigeria is to address this issue at the Commonwealth Heads of Government Meeting. Mr Simion reminded me during our meeting that the horrendous policy of apartheid was ended through such international diplomatic pressure. There are people in New South Wales who have family and friends in Nigeria, many of whom are Christian. These are our citizens too, and they expect us to speak for them when they have no effective voice.

### COVID-19

**The Hon. SCOTT FARLOW (00:19):** It is a little more than a year after the first COVID case in New South Wales and we are entering the next phase of our COVID response and our COVID recovery with a vaccine rollout commencing in New South Wales next week. First, we need to have a little perspective on where we stand at the moment and what we have achieved. Thanks to our world-leading NSW Health staff and the tremendous response of our community, New South Wales has now gone more than 31 days without any community transmission of COVID, Australia has not recorded any COVID-related deaths this year, and there are no patients with COVID in an intensive care unit or on a ventilator across all of Australia.

Since the beginning of the pandemic we have recorded 4,954 cases, of which 2,777 cases were contracted overseas. Sadly, 54 people in New South Wales and 909 people across Australia have lost their lives due to COVID. We need to compare this to the situation globally where more than 109 million have contracted COVID, with more than 400,000 people, on average, being diagnosed each day across the world. Sadly, more than 2.4 million people have lost their lives to the disease, with more than 13,000 people on average losing their lives to COVID each day. The impact of our success in managing the pandemic cannot just be expressed in COVID-19 deaths. Australia is one of the few countries globally that has not seen excess deaths due to the pandemic.

*The Economist* reports that from 8 April to 27 October Australia had 5,190 less deaths than would be expected, which stands in stark contrast to the rest of the world, with the United States of America having more than 448,000 excess deaths and Bulgaria leading the charge on a per capita basis with 18,470 excess deaths from 20 April to 17 January. We truly are the lucky country and in an invidious position compared to the rest of the world. But just like New South Wales has always prided itself on a "proportionate" response to COVID, we need to maintain that proportionate response as the risk and threat level change. We need to learn to live with the virus and the threat that it poses as we seek a new COVID normal.

The vaccine provides us with that opportunity and, as the Premier said today, we need to start thinking about what success looks like with a vaccine. As the threat level changes, so must our expectations. We need to move past our obsession with daily case numbers as vaccines prove effective in stopping serious disease, deaths and hospitalisations. From the outset we need to understand what the vaccine does: It will not eliminate COVID-19, but it will prevent death, serious illness and many hospitalisations. From a country that signed up to suppressing the virus and flattening the curve, we have now become obsessed with zero cases, with cities being put into lockdown and borders being established on the grounds of a single case alone.

The vaccines, as they roll out, will change the threat level to our community posed by COVID-19 and they should change our tolerance as well. While the rest of the world is ravaged by the virus and greets the vaccine program as a saviour, New South Wales, with zero cases, is in a different position. We cannot let that position inhibit us from realising the benefits that the vaccine provides and that inevitably the rest of the world will embrace. Again, let us have some perspective. In 2019 there were more than 310,000 flu notifications in Australia and 812 Australians lost their lives, with more than 312 losing their life to the flu in New South Wales alone.

Compare that to 2020 when there were only 21,266 notifications of influenza, nearly 15 times lower than the previous year, with only 37 deaths, 12 of which occurred in New South Wales. Of course, COVID is much more deadly and dangerous than the flu, but with the vaccine that may no longer be the case. In Israel, the country with the highest vaccination penetration to date, there is some very promising data. In a Maccabi Healthcare Services study of 523,000 fully vaccinated Israelis, only 544 people have been diagnosed with the virus—in a country that was averaging more than 8,000 cases per day in January—only four people had severe cases and none of those people have died.

While we do not know how effective the vaccine will be in reducing transmission, we do know it is highly effective in reducing the severity of the disease, thereby reducing our threat level. So to the Premier's challenge, when the vaccination rollout is complete and a vast majority of our citizens have been vaccinated, what should success look like? From my point of view it should be no domestic or international border restrictions, no lockdowns and the repeal of most restrictions in place under the public health order. Like we have seen over the past 12 months, there will be many twists and turns in the road ahead. We will have to change our response. The virus will provide new challenges, but we need to make the move to live with the virus and achieve a new sustainable position of COVID normal that keeps our community safe, our economy open and our freedoms intact.

## WOMEN AND EMPLOYMENT

**The Hon. COURTNEY HOUSSOS (00:23):** As International Women's Day approaches, it is a chance for us to again consider the barriers to women entering and being retained in traditionally male-dominated industries. We can increase the numbers of women entering those industries but unless we address the specific issues they face in undertaking their work every day, they will simply drop out. Electrical trades remain a male-dominated workforce. In the power distribution industry approximately 20 per cent of the workforce are women, but they make up almost 35 per cent of those leaving. At Sydney Trains, 26 per cent of electrical apprentices are female—75 out of 278. That is significantly higher when compared to the number of women who are studying to be an electrician more broadly, which is currently just 3.3 per cent. But to keep these numbers high, we must update our workplaces to ensure that women can complete their work safely. That means addressing the unique challenges that women face. There is an additional responsibility on government to set an example of what best practice should be.

Electrical tradespeople at Sydney Trains provide the vital maintenance and upgrades that keep our trains running. Usually working 12-hour shifts, often overnight, they ensure that our trains are operating when the public

need to use them. Their work involves handling oil products, inevitably getting dusty and dirty, and generally working between train stations. There is no easy access to toilets. They rely on portaloos, usually spaced out in about five-kilometre intervals. There is often no running water, an issue even more concerning with the need for COVID-safe practices. Working in those conditions is not particularly pleasant for any electrical tradesperson, but it is even worse for women. The few female portaloos that have been provided do not have sanitary bins. There is no regular cleaning program. I have seen photos of women's portaloos without doors and been told of female toilets being used as storage space.

What does this mean in practice? I am told that because they often have no access to toilets, or the ones available are so filthy, women resort to what is colloquially known as a "bush wee". There are reports of women actually suffering from dehydration in a bid to avoid going to the toilet during their shift. That is a totally unacceptable breach of basic working conditions for anyone, but it becomes unsafe for women when they are menstruating. Medical advice says that sanitary products such as tampons should be changed every three to four hours and not worn for more than eight but, with no access to a toilet or running water after handling dusty and dirty electrical cabling or chemicals, it is simply not safe to do so.

I pay tribute to the Electrical Trades Union [ETU], secretary Justin Page and apprentice organiser Tara Koot for identifying those issues, convening the Sydney Trains female hygiene committee and presenting a list of very practical solutions to Sydney Trains. They have included cleaning portaloos and refilling their water every day, putting locks on women's toilets and restricting the access to those toilets to women, putting sanitary bins in every women's toilet and ensuring that there is running water to wash hands, especially after handling chemicals. What has been the response from Sydney Trains? Those issues were first identified two years ago by the ETU in a meeting with Sydney Trains management, but a lack of action to address any of them has led the ETU to form the Sydney Trains female hygiene committee. They came up with a list that runs for several pages—time does not permit me to read them all out—of issues similar to this.

In response, Sydney Trains has suggested that rather than sanitary bins it may—may—offer the equivalent of a black ziplock bag for female workers who are menstruating to take with them. What a joke. Many changes need to be made to ensure that our young female apprentices are better supported to complete their work, so they want to stay working in the public service. Female electrical apprentices at Roads and Maritime Services do not get to complete their Sydney Harbour rotation; there is no option. They miss out on valuable skills and time with their team because there are no female showers and toilets. For occupational health and safety reasons they are entitled to 15 minutes to shower at the end of their shift to remove dangerous chemicals from their skin and clothing, but there are simply no facilities to accommodate women so they miss out. We should be encouraging and supporting our women to go into trades. But refusing to provide the most basic clean, lockable toilets, running water and sanitary bins makes their day-to-day working life so uncomfortable, can we blame them if they make the choice to leave? [*Time expired.*]

**The PRESIDENT:** The House now stands adjourned.

**The House adjourned at 00:29 until Thursday 18 February 2021 at 10:00.**