



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Thursday, 27 February 2020**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

Thursday, 27 February 2020

The **DEPUTY PRESIDENT AND CHAIR OF COMMITTEES (The Hon. Trevor Khan)**, in the absence of the President, took the chair at 10:00.

The **CLERK** read the prayers.

### *Visitors*

#### **VISITORS**

The **ACTING PRESIDENT (The Hon. Trevor Khan)**: I welcome to the President's gallery Mr Peter King, a former Federal member for Wentworth.

### *Motions*

#### **WILDLIFE CARERS**

**Ms CATE FAEHRMANN (10:03:25)**: I move:

- (1) That this House notes that:
  - (a) during the horrific and unprecedented 2019-2020 bushfire season, at least 5.3 million hectares, or 6.7 per cent, of New South Wales burnt, with estimates that one billion native animals perished in New South Wales and Victoria alone, not including birds, bats, fish, frogs or insects;
  - (b) countless wildlife carers dedicated thousands of hours to rescue and care for sick and injured wildlife, feeding and nursing them around the clock—care which is still ongoing, many working independently or within small volunteer organisations;
  - (c) hundreds of thousands of members of the public from across Australia and all over the world donated money, medical and food supplies, knitted and sewed bat wraps, joey pouches and koala mittens, and built and distributed thousands of nesting boxes and watering stations; and
  - (d) wildlife rescue organisations across New South Wales went into overdrive to coordinate volunteers and to get supplies to where they were needed including: Animal Rescue Collective, Animal Evac NZ, Cedar Creek Wombat Rescue, Dimmocks Retreat, Featherdale Wildlife Park, For Australian Wildlife Needing Care, Friends of the Koala, Hammer's Hill Wildlife Sanctuary, Helping You Help Animals New Zealand, Irwin's Corner Wildlife Sanctuary, Kalandan Wildlife Sanctuary, Koala Conservation Australia, Koalas in Care, Kuring-gai Bat Conservation Society, Looking After Our Kosciusko Orphans, Major's Creek Wildlife Rescue, Native Animal Rescue Group, Native Animal Trust Fund, Northern Rivers Wildlife Carers, Northern Tablelands Wildlife Carers, NSW Wildlife Council, Mallecoota Wildlife Shelter, Port Stephens Koalas, Rescue and Rehabilitation of Native Animals, Saving our Native Animals, Secret Creek Sanctuary, Shoalhaven Bat Clinic, Southern Cross Wildlife Clinic, Sydney Wildlife Rescue, Symbio Wildlife Park, Taronga Wildlife Hospital, Tweed Valley Wildlife Carers, Two Thumbs Wildlife Sanctuary, Wildlife Rescue South Coast, WIRES, Wild 2 Free Kangaroo Sanctuary, Wildlife Aid, Wildlife Stations Shoalhaven, Wildlife Animal Rescue and Care Society, Wildlife in Need of Care, Wildcare Queanbeyan, Wildlife Carers Network Central West Inc, Wildlife Rescue South Coast and many more.
- (2) That this House offers its sincerest thanks and heartfelt gratitude to all those individuals who selflessly volunteered to help our native wildlife this bushfire season, and in particular all the licensed wildlife carers across the State and the organisations that support them.

**Motion agreed to.**

#### **VERY REVEREND ARCHIMANDRITE APOSTOLOS TRIFYLLIS**

**The Hon. COURTNEY HOUSSOS (10:04:00)**: I move:

That this House:

- (a) recognises that Very Reverend Archimandrite Apostolos Trifyllis served the Greek Orthodox Parish of All Saints Belmore from 2015 to 2020, while also being the Chaplain and Teacher of Greek Literature and Theology at All Saints Greek Orthodox Grammar School;
- (b) notes a farewell luncheon was held on Sunday 23 February 2020 at All Saints Grammar School to pay tribute to Father Apostolos' amazing dedication to the parish, school and wider community;
- (c) expresses its sincere and heartfelt thanks to Father Apostolos for his ministry at the Greek Orthodox parish and community of Belmore, which he served with kindness, humility and love, particularly noting the incredible outreach work he did with the local community and the Belmore Youth Group; and
- (d) wishes Father Apostolos all the best for his future endeavours in London and beyond.

**Motion agreed to.****OVARIAN CANCER**

**The Hon. NATALIE WARD (10:06:00):** I move:

- (1) That this House notes that:
  - (a) February is Ovarian Cancer Awareness Month in Australia;
  - (b) every day four Australian women are diagnosed with ovarian cancer of which only 46 per cent survive; and
  - (c) 26 February is Teal Ribbon Day, which raises awareness of the cause.
- (2) That this House acknowledges the difficult journey faced by those touched by ovarian cancer, including those diagnosed, their families, their friends and the medical teams.

**Motion agreed to.***Committees***SELECT COMMITTEE ON MUSEUMS AND GALLERIES****Establishment and Membership**

**The Hon. MARK BANASIAK (10:06:44):** On behalf of the Hon. Robert Borsak: I move:

- (1) That a select committee be established to inquire into and report on:
  - (a) the proposed move of the Museum of Applied Arts and Sciences, the Powerhouse Museum, from Ultimo to Parramatta, including:
    - (i) the core visions behind the move;
    - (ii) the governance of the project, including the effectiveness and adequacy of planning, business cases, design briefs, project management, public reporting, consultant selection and costs, project costing and cultural and demographic justifications;
    - (iii) the risks in the move, including damage to collections, cost overruns and the future cost of operations at Parramatta;
    - (iv) the consequences of flood at the site at Parramatta in light of the flood event in February 2020;
    - (v) the impact on the heritage status of the site at Ultimo and heritage items at Willow Grove and the Fleet Street precinct at Parramatta;
    - (vi) the use of the proceeds from the proposed sale of the site at Ultimo; and
    - (vii) the Government's response to the previous recommendations of the Portfolio Committee No. 4 in report No. 40 entitled *Museums and Galleries in New South Wales*.
  - (b) the Government's management of all museums and cultural projects in New South Wales, including:
    - (i) current Government policy, funding and support for museums and galleries across regional New South Wales;
    - (ii) whether there is equitable access to collections across New South Wales, including at the Powerhouse Museum and the Australian Museum;
    - (iii) whether comprehensive consultation with communities and experts has informed cultural policy and projects across New South Wales, such as that applying to heritage arms and armour collections;
    - (iv) the continuing impact of the efficiency dividend on the budgets of museums and galleries over the last 10 years;
    - (v) funding levels for museums and galleries in New South Wales compared with other States; and
    - (vi) whether there are other more cost-effective strategies than the sale of the Powerhouse Museum site at Ultimo to support museum development across New South Wales, including consideration of the new Parramatta site and the proposed standalone Western Sydney Museum at the Cumberland Hospital site.
  - (c) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
  - (a) three Government members;
  - (b) two Opposition members; and
  - (c) two crossbench members, being Mr Borsak and Mr Shoebridge.
- (3) That the Chair of the committee be Mr Borsak and the Deputy Chair be Mr Shoebridge.



- (4) That, unless the committee decides otherwise:
- (a) submissions to inquiries are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
  - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
  - (c) the sequence of questions to be asked at hearings is to alternate between Government, Opposition and crossbench members, in order determined by the committee, with equal time allocated to each;
  - (d) transcripts of evidence taken at public hearings are to be published;
  - (e) supplementary questions are to be lodged with the committee clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
  - (f) answers to questions on notice and supplementary questions are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

**Mr DAVID SHOEBRIDGE (10:07:11):** By leave: I move:

That the question be amended by omitting "Mr Shoebridge" in paragraphs (2) (c) and (3) and inserting instead "a member of The Greens".

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The Hon. Mark Banasiak has moved a motion, to which Mr David Shoebridge has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

#### *Motions*

### **LIFELINE BUSHFIRE RECOVERY SUPPORT LINE**

**The Hon. NATALIE WARD (10:08:53):** I move:

- (1) That this House notes that:
- (a) since December 2019 Lifeline has recorded a 10 per cent increase in calls to its 13HELP service, with call volume spiking at over 14 per cent on some days;
  - (b) the loss and grief caused by the bushfires will continue to have an impact on the mental wellbeing of many people and their communities, both now and well into the future across Australia;
  - (c) Lifeline has been working closely with the National Bushfire Recovery Agency to provide crisis support and deliver timely access to information about services that are directly related to an individual's community;
  - (d) in January 2020 Lifeline launched a dedicated Bushfire Recovery Support line known as 13HELP or 124357; and
  - (e) a fundraising lunch was held on 17 January 2020 with NSW Rural Fire Service Commissioner Shane Fitzsimmons, hosted by Lifeline and Mr John Brogden, AM, at which over \$1 million was raised to support 13HELP.
- (2) That this House thanks:
- (a) Lifeline for its excellent initiative with establishing 13HELP;
  - (b) NSW Rural Fire Service Commissioner Shane Fitzsimmons for leading the fight against the worst bushfires New South Wales has ever seen; and
  - (c) Mr John Brogden, AM, for his ongoing work with Lifeline.

**Motion agreed to.**

#### *Documents*

### **FLOODPLAIN HARVESTING**

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

**The Hon. MARK BANASIAK (10:09:53):** On behalf of the Hon. Robert Borsak: 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 Minister for Water, Property and Housing, Minister for Regional New South Wales, Industry and Trade, Department of Premier and Cabinet, Department of Planning, Industry and Environment and Water NSW:

- (a) any documents relating to the decision to make the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020, which was published on the Legislation Website on 7 February 2020;
- (b) any documents relating to the decision to declare an embargo on floodplain harvesting under section 324 of the Water Management Act 2000 entitled "Temporary Water Restriction (Northern Basin) (Floodplain Harvesting) Order 2020", published in the Government Gazette on 7 February 2020;
- (c) any documents relating to the decision to provide a temporary three day exemption to the Temporary Water Restriction (Northern Basin) (Floodplain Harvesting) Order 2020 from 8 to 10 February 2020;
- (d) any documents seeking advice and deciding whether damage to on farm infrastructure as a result of the Temporary Water Restriction (Northern Basin) (Floodplain Harvesting) Order 2020 was a basis to temporarily exclude some areas from the embargo;
- (e) any communications from farm, irrigation, national, State and valley peak groups relating to the decision to impose the embargo and to provide temporary exception to the embargo;
- (f) any records of any meetings of farm, irrigation, national, State and valley peak groups relating to the decision to impose the embargo and to provide temporary exception to the embargo; 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.

**Motion agreed to.**

#### *Committees*

### **PORTFOLIO COMMITTEE NO. 4 - INDUSTRY**

#### **Reports**

**The Hon. MARK BANASIAK:** I table report No. 42 of the committee entitled *The implementation of the recommendations contained in the NSW Chief Scientist's Independent Review of Coal Seam Gas Activities in New South Wales*, dated 27 February 2020, together with transcripts of evidence, tabled documents, submissions, answers to questions on notice, supplementary questions and correspondence relating to the inquiry. I move:

That the report be printed.

**Motion agreed to.**

**The Hon. MARK BANASIAK (10:11:10):** I move:

That the House take note of the report.

**Debate adjourned.**

### **PORTFOLIO COMMITTEE NO. 2 - HEALTH**

#### **Reports**

**The Hon. GREG DONNELLY:** I table report No. 52 of the committee entitled *Operation and management of the Northern Beaches Hospital*, dated 27 February 2020, together with transcripts of evidence, tabled documents, submissions, answers to questions on notice, supplementary questions and correspondence relating to the inquiry. I move:

That the report be printed.

**Motion agreed to.**

**The Hon. GREG DONNELLY (10:12:10):** I move:

That the House take note of the report.

The citizens of New South Wales have one of the best public health systems in the world. They know it, are proud of it and do not want it weakened or undermined in any way. It has been inherited from the hard work of previous generations and there is an unequivocal desire to pass it on to the next generation as good as it was received, if not better. At the very heart of it are our public hospitals. Some 16 months since the opening of the Northern Beaches Hospital, and eight months after the inquiry began, the committee now hands down its report on the operations and management of the hospital. During that period, Healthscope and the Northern Sydney Local Health District have worked in a determined way to turn the hospital around from its initial problems. The hospital is now achieving performance standards and results that the committee hopes and expects will continue, and will be improved upon into the future. The residents of the northern beaches deserve no less.

The committee has undertaken a thorough analysis of the evidence put before it by a broad range of stakeholders from both the health and medical professions as well as the local community of the northern beaches—a community that continues its fight for equitable, quality health and medical care within reasonable proximity to where people live. While there are big-picture lessons flowing from the inquiry, it was always about the health and medical care needs of the northern beaches community, and our recommendations are squarely focused to that end. At points in this report the committee has taken a strong position, firmly and clearly registering its disappointment and displeasure at the unnecessary mistakes and errors that were made and the regrettable decisions that were taken. At the same time, the larger focus has been to be constructive and forward looking.

The inquiry process has helped to shed new light and a different perspective on the issues to be addressed as the hospital continues through its consolidation phase. The committee sincerely hopes that its findings and its 23 recommendations will provide a helpful road map of the priorities for Healthscope, the Northern Sydney Local Health District and, indeed, NSW Health in the work that they must undertake to enable the hospital to reach its full potential. Looming large in all of the analysis and recommendations is the public-private partnership [PPP] on which the hospital was built and will continue to operate under for at least 19 years. It is clear to the committee that the private status of the hospital has permeated every aspect of its establishment, management and early operation.

PPPs have come and gone before in New South Wales. This new creature, with its particular model of a private provider delivering health and medical care to both public and private patients, has exemplified the many costs and challenges that accompany PPPs. The report highlights the critical need for transparency and rejects the false dichotomy in which NSW Health is solely responsible for oversight of the PPP contract while Healthscope manages the hospital's day-to-day operation. A key message from our recommendations is that the local health district and Healthscope must work closely together to mitigate and eliminate as far as possible the tensions within the model to ensure the highest possible standards of health and medical care across the entire community. The high standards and values of the public hospital system must prevail in this private sector arrangement and the public patient must never have to accept second best.

Further work needs to be done to concretise this non-negotiable position at the Northern Beaches Hospital. The committee—particularly myself, on behalf of the committee—thanks all those who participated in the inquiry through their submissions and oral evidence. I make particular mention of those residents at the northern end of the peninsula who strongly expressed a number of significant concerns arising from the impact of the Government's decision regarding the future of the Mona Vale site. I also acknowledge and thank my committee colleagues for the collegiate way in which they have engaged and participated in this important inquiry. I conclude by thanking all the committee staff—we are so lucky to have their help and assistance—and particularly our secretariat made up of Merrin Thompson, Madeleine Foley and Helen Hong for their hard work and professionalism during this very important inquiry. Without them this report could not have been produced.

**Debate adjourned.**

#### *Documents*

### **TABLING OF PAPERS**

**Mr DAVID SHOEBRIDGE:** By leave: I table a document comprising a printout of the names of 62,789 citizens who have signed an online petition calling on the Government to reverse cuts to fire services and guarantee an ongoing funding commitment to firefighters. I move:

That the document be published.

**Motion agreed to.**

#### *Bills*

### **WORK HEALTH AND SAFETY AMENDMENT (REVIEW) BILL 2020**

#### **First Reading**

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

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

*Visitors*

**VISITORS**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I welcome to the President's gallery James Brown, who is interning for the Hon. Rod Roberts.

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**Mr JUSTIN FIELD:** I move:

That business of the House notice of motion No. 1 be postponed until the next sitting day.

**Motion agreed to.**

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

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

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the conduct of the business of the House this day.

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES (10:33:18):** I move:

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

- (1) Item No. 420 outside the order of precedence standing in the name of the Hon. Mark Latham relating to the Anti-Discrimination Amendment (Complaint Handling) Bill 2020.
- (2) Item No. 418 outside the order of precedence standing in the name of the Hon. Adam Searle relating to Premier's rulings on disclosures under the Ministerial Code of Conduct—tabling of privileged documents.
- (3) Item No. 419 outside the order of precedence standing in the name of the Hon. Adam Searle relating to an order for papers concerning scope 3 emissions or downstream emissions.
- (4) Item No. 205 outside the order of precedence standing in the name of the Hon. Mark Pearson relating to the Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill 2019.
- (5) Item No. 437 outside the order of precedence standing in the name of the Hon. Mark Buttigieg relating to an order for papers concerning transport asbestos registers—further order.
- (6) Item No. 425 outside the order of precedence standing in the name of the Hon. John Graham relating to an order for papers concerning the Western Harbour Tunnel and Beaches Link business cases—further order.
- (7) Item No. 447 outside the order of precedence standing in the name of the Hon. John Graham relating to an order for papers concerning documents prepared by Monash University in relation to road safety—further order.
- (8) Item No. 456 outside the order of precedence standing in the name of the Hon. Sam Faraway relating to the Buy From The Bush campaign.
- (9) Item No. 444 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to an order for papers concerning the final report of the results of the Special Commission of Inquiry into the Drug 'Ice'.
- (10) Item No. 5 in the order of precedence standing in the name of Ms Abigail Boyd relating to a prohibition on new approvals for the extraction of thermal coal, oil and gas.
- (11) Item No. 440 outside the order of precedence standing in the name of the Hon. Courtney Houssos relating to an order for papers concerning lists of current TAFE courses.
- (12) Item No. 453 outside the order of precedence standing in the name of Mr Justin Field relating to an order for papers concerning biodiversity documents, environmental impacts and mitigation measures for the proposal to raise the Warragamba dam wall.
- (13) Item No. 457 outside the order of precedence standing in the name of the Hon. Daniel Mookhey relating to an order for papers concerning payroll tax compliance.
- (14) Item No. 375 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers concerning the investigation undertaken by the assistant police commissioner into a car collision involving the Minister for Police and Emergency Services.
- (15) Item No. 438 outside the order of precedence standing in the name of the Hon. Mark Buttigieg relating to Ausgrid funding levels.

- (16) Item No. 139 outside the order of precedence standing in the name of Reverend the Hon. Fred Nile relating to the Crimes Amendment (Zoe's Law) Bill 2019.
- (17) Item No. 384 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers concerning the business cases on the proposal for a cruise ship terminal at Yarra Bay or Molineux Point.
- (18) Item No. 417 outside the order of precedence standing in the name of the Hon. Walt Secord relating to the Local Government Amendment (Disqualification from Civic Office) Bill 2020.
- (19) Item No. 423 outside the order of precedence standing in the name of Ms Abigail Boyd relating to funding for independent disability advocacy services.
- (20) Item No. 448 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to an order for papers concerning the operator of the Maules Creek coalmine and biodiversity offsets.
- (21) Item No. 454 outside the order of precedence standing in the name of the Hon. Mick Veitch relating to the referral of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 to the Regulation Committee.

I indicate that the private members' business items Nos 2, 3, 5, 6, 7, 9 to 15, 17 and 19 to 21 in the motion will be considered in the short form format.

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

**Motion agreed to.**

### *Bills*

## **ANTI-DISCRIMINATION AMENDMENT (COMPLAINT HANDLING) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. MARK LATHAM (10:38:39):** I move:

That this bill be now read a second time.

The New South Wales Anti-Discrimination Act provides protection for citizens against discrimination and vilification across a range of personal identities. It functions mainly as a safeguard mechanism. By international standards we live in a tolerant society in New South Wales, where people believe in equal opportunity. Cases of genuine discrimination, thankfully, are rare. Most citizens judge people by their work ethic and character, not their race, gender or sexuality. Identity politics, I would argue, is the antithesis of the Australian way. The risk therefore with the Anti-Discrimination Act is one of misuse. If it is too legalistic, too open to vexatious complaints, it can be exploited by political activists for the wrong purpose. It can be used for personal feuds and political campaigns, rather than justice and the fair treatment of citizens.

This Parliament needs to be vigilant in protecting the Act's integrity. We must ensure that anti-discrimination provisions are not abused, that activists do not use them as a blunt instrument for personal financial gain or vengeance, or for political purposes trying to silence those who simply hold views with which they disagree. Such activism would not only be morally wrong but also represent a misallocation of scarce resources in the New South Wales legal system. In developing this statute the New South Wales Parliament foresaw the possibility of frivolous and vexatious complaints being lodged with the Anti-Discrimination Board [ADB]. Section 92 of the Act gives the board's president authority at any stage of an investigation not to proceed with the matter.

Among other reasons, the complaint or part thereof may be discontinued if the president is satisfied that: the complaint is frivolous, vexatious, misconceived or lacking in substance; the conduct alleged, if proven, would not disclose the contravention of a provision of the Act or the regulations; the nature of the conduct alleged is such that further action by the president in relation to the complaint is not warranted; and it is not in the public interest to take any further action in respect of the complaint. Under section 93A once the president has discontinued an investigation the complainant may, within 21 days, require the president, by notice in writing, to refer the complaint to the tribunal. That is in effect an appeal process to the New South Wales Civil and Administrative Tribunal [NCAT].

This is a second bite of the cherry, eating up scarce resources in the New South Wales legal system at a time when court backlogs are long and getting longer. These NCAT appeals are also incongruous. Under section 89B (4) a decision by the Anti-Discrimination Board to decline a complaint in whole or in part is not reviewable by the tribunal, yet a decision to discontinue an investigation is reviewable. That is a clear inconsistency. The role

of the Anti-Discrimination Board in relation to complaints is one of conciliation. It does not make determinations on the merit of complaints. If after 18 months conciliation has failed, then under section 93B the complainant, if he or she insists, has the automatic right of referral to NCAT.

The Act allows complaints to be lodged without cost. NCAT determines complaints referred to it as part of a no-cost jurisdiction. The complaint may result in a penalty of up to \$100,000 issued by NCAT payable to the complainant. If complainants have legal prowess they can represent themselves, and indeed make a tidy profit. Given these provisions, the vetting of initial complaints lodged with the Anti-Discrimination Board is vital. Once a complaint is in the system the matter can drag on for years and inevitably end up at NCAT, with the possibility of substantial financial penalties, plus legal costs for respondents not able to defend themselves at the board or at NCAT. Respondents can feel harassed and stressed by such a lengthy period of legalism, especially if they are also subject to media publicity due to the action. These things can become a nightmare.

Unfortunately, the threshold for the acceptance of complaints at the Anti-Discrimination Board is minimal. Under Section 89 it requires complaints to be lodged in writing and they need not demonstrate a *prima facie* case. Section 89B (2) limits the president's powers to decline complaints to matters more than 12 months old; those outside the scope of the Act; where someone has falsely lodged a complaint on behalf of someone else; and in vilification cases where the person making the complaint does not have the characteristic allegedly being vilified. The president may decline in these circumstances; there is no requirement, as per the practice in most other States and Territories, that the president must decline the complaint.

Clearly, these provisions are open to abuse. There is next to no restriction on lodging complaints. It is free for political activists to target their opponents and use the Anti-Discrimination Board and NCAT as political weapons, tying them up in legal disputes and costs but at no cost to the complainant. This is a form of "lawfare"—one of the worst trends in modern politics. Activists are using the legal system to try to score the political points they cannot achieve by democratic means or, even worse, they are using the legal system to try to destroy their opponents financially to break them with the cost of using lawyers and going through tribunals to defend themselves. This is not justice; it is a lawyer's picnic.

In the four decades since the Anti-Discrimination Act was legislated the political environment has changed substantially. We now live in an era of heightened political activism, much of it driven by the intense polarised and at times obsessive nature of social media, and tactics such as "de-platforming" and "cancelling culture" have become common. The board and NCAT should not be pawns in this game at taxpayers' expense; therefore requiring under the provisions of this bill amendments to the New South Wales Anti-Discrimination Act. The clearest example of this new reality is the long-running feud between Garry Burns and Bernard Gaynor—the 2020 New South Wales equivalent of the Hatfields and McCoys. In this case the aggressor has been Burns, a self-described gay rights activist, who has stated publicly his "work"—he says that—is to lodge complaints with the Anti-Discrimination Board. Hundreds have gone in, the vast majority accepted under section 89.

Burns has also sent scores of abusive emails to those he has complained against. Many MPs have received correspondence from Mr Burns going back to the days of the Carr Government. There is no doubt that he is very obsessive about this agenda and is someone who, in the eyes of many MPs—myself included—is not genuine in the pursuit of justice through the Anti-Discrimination Board. At a time when the New South Wales court system has a huge backlog of matters it is incredible that someone like Burns has been able to eat up resources elsewhere in the legal system, at the Anti-Discrimination Board and NCAT. He has been treated as a credible complainant for these hundreds of matters when the scores of items he has forwarded to my office since March 2019 clearly show he is not of sound mind.

He frequently condones and advocates violence, such as the bashing death of George Pell. He displays many of the characteristics of a fantasist, inventing meetings that never took place, making up conversations that plainly did not happen. I could cite other examples to the House—many of them—they are indeed erratic. I am willing to make my hefty file of Burns emails available to any MP who wants to understand the seriousness of what we are dealing with here, but I know that other MPs have a comparable file. Rather than being given a platform by the Anti-Discrimination Board and appearing at New South Wales tribunal and court hearings, Burns needs assistance of a different kind.

One of his many emails was directed at Bernard Gaynor, a Catholic blogger and father of eight who lives in Queensland. Gaynor once said he did not want his children taught by gay teachers, and Burns has been at him ever since. The Burns email states:

Mr Gaynor has an asset, namely his house. So if there's enough complainants and the complaints are substantiated, we can look at taking his house through bankruptcy.

Gaynor has had to sell his house to pay the legal bills racked up by his fight against Burns. This is clearly an example of "lawfare". Burns is not looking for natural justice; he is looking to financially ruin the Gaynor family

for no other reason than that they have become antagonists and hold political and moral beliefs different from his own. His vilification complaints are a form of counter-vilification. In public opinion they would clearly be regarded as vexatious.

We can be certain they are not what the founders of the Anti-Discrimination Act intended in the functions of the board. Mr Gaynor has faced 36 complaints from Mr Burns, with 18 going to the New South Wales Civil and Administrative Tribunal. None has been substantiated but it has cost Gaynor hundreds of thousands of dollars to defend them. Some people would fold but Gaynor has fought on as a matter of deep principle and religious belief. He has been tied up in litigation since 2014, with no end in sight. Burns has even been able to lodge homosexual vilification complaints against Gaynor, even though Gaynor is a Queensland resident. The New South Wales Parliament has no jurisdiction over other countries, States and Territories yet this madness marches on.

Where will it end? Are our tribunals also going to deal with complaints against Australians living overseas or even the citizens of other countries who are non-resident in New South Wales? Recently Gaynor received his thirty-seventh complaint—this time for sharing on his Facebook page a petition from the Australian Christian Lobby against an event called Drag Queen Story Time in Brisbane City Council libraries. That is right, Mr Assistant President: At a time when the New South Wales legal system cannot police the vast number of apprehended violence orders issued, when alleged victims of sexual assault have to wait two or three agonising years for their matters to be heard in court, when Legal Aid resources are incredibly scarce, when the system is clogged up and overflowing with justice delayed and justice denied, we are spending State Government money on policing a Facebook page on a municipal issue in another State. How has this jurisdictional farce been allowed to continue?

In February 2017 the New South Wales Court of Appeal found that NCAT had no jurisdiction over Gaynor. He was a resident of another State. In April 2018 the High Court of Australia upheld this ruling, finding that the Australian Constitution prevents tribunals not properly constituted as courts from resolving disputes between interstate residents. In the course of this legal action the New South Wales Government responded by passing laws giving the New South Wales Local Court power to resolve NCAT disputes between interstate residents. The New South Wales Attorney General was concerned that the court rulings would prevent fair tenancy matters being heard at NCAT when the offending landlord was based in another State. That is a legitimate concern but the passage of that statute has allowed Burns to use the legislation to continue targeting Gaynor. In June 2018 the Anti-Discrimination Board referred three new unresolved complaints about Mr Gaynor to NCAT.

Significantly—and this is very important—Burns has not lodged complaints against Gaynor in the State where any alleged offence is most relevant: in Queensland. Under section 139 of the Queensland 1991 Anti-Discrimination Act, Queensland has a higher threshold for the acceptance of complaints, such that:

The commissioner must reject a complaint if the commissioner is of the reasonable opinion that the complaint is—

- (a) frivolous, trivial or vexatious; or
- (b) misconceived or lacking in substance.

This points to forum shopping by Mr Burns. He is using the New South Wales legal system and its resources because he knows, in the acceptance of complaints, it is the easiest way to attack a Queenslanders. He does not lodge complaints where the statements have been made or where the respondent lives. He lodges them in New South Wales because this State has a low threshold, he is forum shopping and New South Wales has become a soft touch for these actions and the expenditure that goes with them.

Notwithstanding the Court of Appeal and High Court rulings, a commonsense response from the Anti-Discrimination Board would have been to tell Burns that his file is full; that New South Wales Government agencies are not there to process endless complaints from litigious types pursuing personal feuds and vendettas against interstate residents; and that Burns' complaints would no longer be accepted. But this kind of sense is far from common at the Anti-Discrimination Board. The Burns-Gaynor dispute has involved scores of matters, years of litigation and millions of dollars of public money that has been washed away for very little purpose. As the board and NCAT are no-cost jurisdictions, Burns has been able to represent himself and clog up the system, making this his full-time and cost-free vocation.

Last year I raised this problem with the Attorney General, Mr Speakman, but he has done nothing. This is a matter an Attorney General should care about: to close down the reckless abuse of the legal system for which he is responsible and to carefully protect the proper use of taxpayers' resources. Some of us do care. Some of us believe the New South Wales legal system should be based on professionalism, efficiency and a clear duty of care for the administration of justice. It should not be the plaything of political campaigners at public expense, as the Government and the Anti-Discrimination Board have allowed it to become. Seemingly, no-one is free from Burns' campaigning. If anyone mentions the word "gay" or "homosexual" in any negative way, he will use the Anti-Discrimination Board for retribution. His targets have included John Laws, Jeff Kennett, the singer

Rob Mills—I do not know exactly what Millsy did wrong but he has been up through this action—and a series of election candidates. In any given year, it seems at least one-half of the homosexual vilification complaints lodged with the board are from Burns.

The worst example is a somewhat sad instance. It concerns a former Newcastle taxidriver, John Sunol. In 1978 Sunol was involved in a car crash that left him brain damaged. Sunol has used social media to rant about gays in a random and incoherent fashion befitting his level of incapacity. He has few followers, no real impact and no political influence—which, sadly, has made him a target for yet another Burns vendetta. Scores of complaints have been lodged against Sunol, first by Henry Collier and then Garry Burns. More than 20 cases have come before New South Wales tribunals and courts. Sunol is said to owe Burns more than \$50,000 but cannot pay, having been bankrupted in 2014. The legal types are now circling the trust fund that controls Sunol's \$400,000 compensation payment for his accident. It seems that today, Burns is the only person who cares about Sunol—in a vindictive and irrational way through this lawfare. He has told NCAT he has set up a Google alert for every time Sunol posts on the internet.

This is what the New South Wales legal system has become: a cruel and bizarre forum where political campaigners can pursue intellectually disabled people for comments with zero social and political impact. And we are paying for it. The Anti-Discrimination Board is supposed to protect the disabled but in a perverse turn it has used its authority to persecute a poor hapless soul like Sunol. These people ought to be ashamed of themselves. They are not protecting the vulnerable people in our society. They know Sunol's condition, they must know the wrong-ness of what has happened, yet they have left him defenceless against a serial litigant. I point out also that there is a clear pattern to Burns' complaints. They are designed for maximum political coverage rather than legal justice. In early December 2019 Israel Folau and Rugby Australia announced they had settled their long-running employment-religious freedom dispute. Rugby Australia apologised to Folau and his family, acknowledged he meant no harm or offence in his social media postings and paid him substantial compensation.

Nine days later the Anti-Discrimination Board informed Burns that it had accepted his complaints about Folau concerning Folau's April 2019 social media post about sinners going to hell plus comments Folau had made to his congregation as a church pastor in November 2019. Folau had said that God was unhappy with the passage of Federal same-sex marriage and New South Wales abortion laws and this was the reason for the east coast bushfires. Burns issued a press release promising that, "Folau is about to cop a dose of third-degree Burns". This is the kind of nonsense we are dealing with and the Anti-Discrimination Board continues to embolden. I made representations to the board's president, Annabelle Bennett, in December asking on what basis the Burns complaint had been accepted. She replied:

As you would be aware, complaints that are lodged with Anti-Discrimination NSW are dealt with as provided in the Anti-Discrimination Act. The acceptance or declining of a complaint, as lodged, is set out in the Act. If the criteria for declining a complaint as set out in section 89B of the Act do not apply, the complaint must be accepted. Thereafter, a complaint is investigated. At any stage during the investigation of a complaint, it can be declined for the reasons set out in section 92 of the Act.

I responded as follows:

I'm sorry Annabelle, but I can't understand how the Anti-Discrimination Board can accept a complaint about someone exempted under the Act. Israel Folau grew up in Minto, a born-again Christian Islander community. I know it well because I represented them in Federal Parliament. Minto was a public housing estate, a struggling district. In comparable parts of Campbelltown, the parents were unemployed and the kids [too often] in trouble. Minto was different, due to the influence of religious faith. The Islander community found purpose and direction through their born-again Christianity. It was relatively trouble free. The kids stayed off the streets and out of jail. The young Folau was one of them. His father was heavily involved in religious activities, setting up a church at which his son is a preacher.

This is what multiculturalism looks like. This is what freedom of religion looks like.

I said to Ms Bennett:

You and I would barely believe a word of the Old Testament but for this community it is Gospel, subject to literal interpretation. It has given them meaning and purpose in life. Israel Folau believes in the wrath of God: manifest in recent times, he says, through bushfires punishing our society for Same Sex Marriage and the 2019 NSW Abortion Act. Israel Folau believes in the words of Corinthians, that large numbers of sinners need to repent or face Hell. Israel Folau is a preacher in his Church who has come to public attention because he lost his job at Rugby Australia due to his expressions of faith.

I also pointed out:

It was never the intention of the NSW Anti-Discrimination Act to pursue the churches and the words of those who preach in them. This is clear in the exemptions at Sections 56 and 49ZT. Nothing in the Act is to affect the "act or practice of a body established to propagate religion that conforms to the doctrines of that religion."

Similarly, specifically in relation to "homosexual vilification", I said:

Nothing in this section renders unlawful a public act, done reasonably and in good faith for ... religious instruction ... including discussion and debate about and expositions of any act or matter.



I concluded by asking the board president:

How can a complaint about someone exempt from the Act be accepted by the Board? That's what I can't understand. I've never heard of a government body that pursues people exempted at law.

Ms Bennett replied by thanking me for my email and saying:

I am fully aware of the exemptions and of Section 92. However, this is a matter between the parties, including to provide information. Mr Folau will be invited to respond and I will then consider the information that he provides and other relevant matters

One would have thought the Anti-Discrimination Board was there to administer the Act under which it was established. If it knows Folau to be a religious preacher—as it does, due to the extraordinary publicity he has received—then logically it should rule he is exempt from the Act and the board's jurisdiction. But Ms Bennett has a different, unorthodox approach: Folau and his lawyers have to prove their own exemptions. They have to administer the law on behalf of the Anti-Discrimination Board. Ms Bennett has accepted the Burns complaint even though she knows the respondent is exempted under the Anti-Discrimination Act.

As of February 2020, the complaint against Folau has not been declined under section 92. He has incurred further legal costs and, I assume, has been subject to even more stressful publicity. Even though Folau is now living in France to play rugby league football, he is still being pursued by the New South Wales legal system on matters for which he is exempt under New South Wales law. This is the weird world of lawfare that, unfortunately, Mr Speakman and Ms Bennett are fostering. Thus a private member's bill is needed to restore balance and fair, streamlined processes to the work of the Anti-Discrimination Board. The era of serial political persecution must end. Mentally disabled citizens such as John Sunol must be protected. Significant cost savings can be realised by streamlining the complaints processes of the Anti-Discrimination Act. The Anti-Discrimination Amendment (Complaints Handling) Bill 2020 seeks to achieve this in six ways.

First, it repeals section 93A of the Anti-Discrimination Act such that in future referrals and appeals to the New South Wales Civil and Administrative Tribunal for matters discontinued during board investigations will no longer be possible. This brings the Act into line with section 89B (4). Consistency is crucial. If NCAT has no role in overturning complaints refused, it should have no role in overturning investigations discontinued by the Anti-Discrimination Board. Under the current laws the board commonly accepts frivolous and vexatious complaints. That in itself is bad enough. But if the board, in a rare moment of common sense, decides to terminate an investigation into a frivolous and vexatious complaint, that is where the matter should end. It has accepted the matter, examined it and decided it is without merit. There is no need for the matter to go up the chain to NCAT and possibly the New South Wales court system. Secondly, the bill inserts a new section, proposed section 89B (2) (j), requiring the president to decline a complaint unless satisfied that:

- (j) one or more of the respondents is an individual who has made a public statement to which the complaint relates and, at the time of making the statement, was—
  - (i) a resident of another State or Territory as evidenced by the individual's address on the electoral roll, and
  - (ii) not in New South Wales, or

This updates the Act to take account of the new media environment. When the Anti-Discrimination Act was established there was no such thing as social media. Yet today most of these vilification matters arise on social media platforms. The new clause respects the proper jurisdictional limits of New South Wales law by disallowing complaints against individuals who were not in the State and not residents of New South Wales at the time of the alleged offensive media comments. Individuals allegedly offending on social or traditional media should be pursued under the laws of their home State or Territory. New South Wales should not be a soft touch for forum shopping, dragging in interstate cases against respondents because the threshold for complaint acceptance in our State has been set too low. We should not be dedicating parts of the New South Wales Government's legal budget to what someone in Perth, Brisbane or Hobart has said on Facebook.

In the acceptance of complaints, the bill exempts interstate residents making media statements, traditional and social, unless the complainant can show to the president's satisfaction that the comments were made in New South Wales. Other provisions with regard to interstate entities and residents are unaltered. For instance, if a business operating in New South Wales discriminates against or vilifies a protected class of persons, complaints can still be lodged against it, even though the owners and managers live interstate. If an individual from another State or Territory comes to Sydney for the day and marches around Martin Place with a placard vilifying certain people, a complaint can be lodged and accepted. The proposed exception is solely for interstate residents making their public comments interstate. Thirdly, the bill ensures complaints cannot be accepted against people who have exemptions in other parts of the Act, for example, churches and those who preach in them, as per the Folau example. If a complaint is lodged, the president of the ADB must refer to other parts of the Act and ensure exemptions do not apply before accepting such a complaint. It is incredible we need to legislate this way for the president to do her job—to do something that, one would assume, should already be automatic in the

administration of the Act. But that is where we are in 2020 in trying to hold back the flood of politically motivated vexatious complaints.

Fourthly, under proposed new section 89B (2) (1) the president must decline a complaint if satisfied "the respondent has a cognitive impairment and it is reasonably expected that the cognitive impairment was a significant contributing factor to the conduct that is the subject of the complaint." If a complaint is lodged, the board president should not accept it if it is known to her that the respondent has an intellectual disability, a developmental disorder including an autistic spectrum disorder, a neurological disorder, dementia or a brain injury. In the Sunol matter the board has long known the truth and should have protected him from vexatious complaints. Under the proposed amendment to the Act there will be no more cases like this. Once the intellectual impairment is known to be contributing to the alleged behaviour, activists like Burns can no longer seek to harm the disabled.

This is a sensible updating of the Act, again to take account of the impact of social media. Plainly the Sunol scenario was not possible in 1977 but today, unfortunately, given the open unregulated nature of social media, these things are possible. We should not be eating up the legal resources of the State to deal with them. Fifthly, the bill adds clarifying clauses to section 89B (2) governing the acceptance or declining of complaints by the president. In looking at how other States handle this threshold question, the provisions in Queensland, South Australia, Western Australia and Tasmania are similar, setting a higher, more realistic standard than New South Wales. We lag behind these other jurisdictions in the streamlining of anti-discrimination provisions and the effective use of State resources in this aspect of the law. My bill proposes to adopt, in effect, the standard threshold provisions that are operational in other States and Territory. Why New South Wales has not done this any time in the past 43 years is hard to know, but it should be done now.

We should also ensure that matters that can be dealt with satisfactorily in other jurisdictions are left at that point. In the Folau matter, for instance, why should New South Wales legal resources be used for an action replay of a matter already dealt with, conciliated on and resolved to the satisfaction of both parties in the Commonwealth Fair Work Commission? We should set the threshold and the guidance that other States have used that matters being dealt with satisfactorily elsewhere no longer need to eat up the resources of that State. Finally, the bill seeks to strengthen the obligations of the president in declining and discontinuing complaints. In relation to new sections 89B (2) and 92 (1) it is proposed to change the current, discretionary wording "the President may" to bring it into line with interstate practice—that is, to make a more definitive provision whereby "the President must" follow the requirements of the Act in ruling out complaints.

I point out to the House that this bill will not affect any complaint currently lodged with the Anti-Discrimination Board. It has no retrospective provisions. It takes effect only when it passes into law. I briefly draw the attention of the House to the bipartisan way in which the Federal Parliament has dealt with very similar provisions in amending its own Human Rights Commission statute. I hope that this bipartisanship can be extended to our Parliament. I hope to refer this bill to Portfolio Committee No. 5 – Legal Affairs to examine the detail, hear from affected parties and hopefully reach a legislative consensus on how to proceed. These reforms are long overdue. They modernise the Act. They bring it up to date in the age of social media. They allow the Anti-Discrimination Board of NSW and the NSW Civil and Administrative Tribunal to deal with crucial cases of discrimination and vilification without squandering resources on personal vendettas and political campaigns that have no place in this jurisdiction. I commend the bill to the House.

**Debate adjourned.**

#### *Committees*

### **PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS**

#### **Reference**

**The Hon. MARK LATHAM (11:10:15):** I move:

That:

- (a) the Anti-Discrimination Amendment (Complaint Handling) Bill 2020 be referred to Portfolio Committee No. 5 for inquiry and report; and
- (b) on tabling of the report by Portfolio Committee No. 5, a motion may be moved without notice that the bill be restored to the *Notice Paper* at the stage it had reached prior to referral.

**Motion agreed to.**

*Documents***MINISTERIAL CODE OF CONDUCT****Tabling of Documents Reported to be Not Privileged**

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

That private members' business item No. 418 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (11:11:04):** I move:

- (1) That, in view of the report of the Independent Legal Arbiter, the Hon Keith Mason, AC, QC, on the disputed claim of privilege on documents relating to an order for papers regarding Premier's Rulings on Disclosures under the Ministerial Code of Conduct, dated 17 December 2019, this House orders that the documents considered by the Independent Legal Arbiter to be not privileged be laid upon the table by the Clerk.
- (2) That, on tabling, the documents are authorised to be published.

This motion relates to a Standing Order 52 order of this House that was similar to an earlier ministerial ruling in relation to Minister Sidoti. Those documents, the Sidoti documents, were subject to a claim of privilege by the Executive Government. The claim was disputed and the Independent Legal Arbiter ruled that there was no relevant ground of privilege. This House voted by majority to uphold the arbiter's report, to have the privilege lifted from the documents and to enable those documents to be made public. The information in that material indicated there was a number of other ministerial rulings that related to a subsequent Standing Order 52.

Despite the clear ruling of the arbiter and the will of the House, the Government has again claimed privilege over these documents. That matter again was disputed and a different arbiter, the Hon. Keith Mason, AO, QC, found again that there was no relevant ground of privilege. There being no privilege known at law, no privilege as exists between the Executive and this House, it is my view and the view of my party—and hopefully the view of the majority of members in this place—that privilege should be lifted from the documents. I will not labour the point. The battle lines are clearly drawn. The arbiter has ruled at least twice on this matter and the House has already made its views clear. The House, in my submission, should vote to lift the privilege from these documents.

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (11:13:24):** The Government opposes the motion and the further publication of these documents beyond the House for three reasons. First, public disclosure of the documents is not reasonably necessary for the proper exercise of the Legislative Council's functions. The Department of Premier and Cabinet has submitted that public disclosure of the documents is not "reasonably necessary" for the proper exercise of the Legislative Council's legislative and scrutiny functions. That is the position of the Executive Government. The Government does not dispute the validity of the order. Rather, it submits that the extent to which disclosure of the documents is required to support the Legislative Council's functions is relevant to the balancing exercise that is required to be undertaken by the House in determining whether to make the documents public.

Secondly, the information contained in these documents was provided in confidence and should remain in confidence. The documents form part of the Ministerial Register of Interests. The note to clause 11 of the ministerial code is clear about the confidential nature of the register. It states:

The Ministerial Register of Interests is a confidential register kept by the Department of Premier and Cabinet on behalf of the Premier. Its contents are made available only to the Premier and the Cabinet for the sole purpose of enabling them to better avoid and manage potential conflicts of interest.

Publication of the confidential disclosures of Ministers and their family members is not at all consistent with that purpose. Thirdly, the documents include personal information that relates not only to Ministers but also to their immediate family members. Family members are not members of the House. They are not in the public eye. They are the conscripts to the political lives of their spouses, children or parents. The effect of the publication of these documents will be to put our families into the political fray. This is the precedent that the House will set today if this motion passes. The Opposition already has the documents and is able to see them. There is no proper function of the House that is served by the publishing of the documents. There is only potentially political interest to be gained by this House publishing the documents. The motion of the Hon. Adam Searle will be opposed by the Government.

**The Hon. ADAM SEARLE (11:16:26):** In reply: If there were a precedent, it has already been set by the previous arbiter rulings and a previous vote of the House. If the Government truly believes these documents should be kept confidential and secret, it is always open to it to legislate in light of the clear rulings of the arbiter that there is no lawful privilege available to be claimed here. There is a clear public interest. Given the public purpose

for which the register and the disclosures are required by law, it is very much in the public interest that they not be kept secret. I take the point about family members. Again, this is not a new point. There is no real issue or difficulty with these documents having privilege lifted from them.

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

**The House divided.**

Ayes .....18  
Noes .....14  
Majority.....4

#### AYES

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

#### NOES

Amato	Cusack	Farraway (teller)
Franklin	Harwin	Latham
Maclaren-Jones (teller)	Mallard	Martin
Mason-Cox	Mitchell	Roberts
Tudehope	Ward	

#### PAIRS

Graham	Ajaka
Houssos	Farlow
Moriarty	Fang
Sharpe	Taylor

**Motion agreed to.**

### COALMINE EMISSIONS

#### Production of Documents: Order

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

That private members' business item No. 419 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (11:27:09):** I seek leave to amend private members' business item No. 419 outside the order of precedence for today of which I have given notice by omitting "14 days" and inserting instead "21 days".

**Leave granted.**

**The Hon. ADAM SEARLE:** 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 in the possession, custody or control of the Department of Planning, Industry and Environment:

- any memos or briefings held by the Planning and Assessment Division or Regions, Industry, Agriculture and Resources Division relating to "Scope 3 emissions" or "downstream emissions" in the consideration of coalmines dated from 1 September 2019 to 21 October 2019;
- any emails and phone records of the Deputy Secretary of the Planning and Assessment Division and Executive Directors in the Resource Assessment Team of the Planning and Assessment Division relating to "Scope 3 emissions" or "downstream emissions" in the consideration of coalmines dated from 1 September 2019 to 21 October 2019;
- any emails or phone records of the Deputy Secretary of the Regions, Industry, Agriculture and Resources Division and Executive Directors of the Resources and Geosciences section of the Regions, Industry, Agriculture and Resources

Division relating to "Scope 3 emissions" or "downstream emissions" in the consideration of coalmines dated from 1 September 2019 to 21 October 2019; 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.

I will not speak to the motion. I understand the issues have been well canvassed. I urge all honourable members to support the motion.

**The Hon. NATASHA MACLAREN-JONES (11:27:49):** The Government does not oppose the motion.

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

**Motion agreed to.**

### *Bills*

## **PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (RESTRICTIONS ON STOCK ANIMAL PROCEDURES) BILL 2019**

### **Second Reading Debate**

**Debate resumed from 26 September 2019.**

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:28:37):** I contribute to debate on the Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill 2019, which the Government will oppose. At the core of this bill is a proposal to prohibit mulesing on sheep. Mulesing has been an essential management tool for the wool industry. It reduces the serious risk to the welfare of sheep resulting from flystrike. Some members in this House would well know that flystrike occurs when Australian sheep blowflies or secondary blowflies lay their eggs in the fleece of susceptible sheep.

Flystrike can be difficult to detect, and can be fatal within a few days if left untreated. Flystrike costs the industry in excess of \$200 million per year in lost production. Under New South Wales animal welfare legislation—the Prevention of Cruelty to Animals [POCTA] Act—a failure to treat sheep for flystrike is considered a failure to exercise reasonable care, control or supervision of an animal. Furthermore, the Government and industry are also actively working towards nationally consistent Australian Animal Welfare Standards and Guidelines for different types of livestock. The standards and guidelines set out clear minimum requirements for people responsible for livestock. The prevention of flystrike has been the source of much debate over the past few years, including the traditional method of mulesing. But there is clear evidence that reliance on mulesing is already decreasing.

Considerable investment by the Australian wool industry has helped sheep producers reduce their reliance on mulesing and continue to improve the welfare of sheep. Progress in genetic research and development now allows sheep breeders to selectively breed lambs that have higher natural resistance to flystrike. Over the past 10 years an increasing number of properties have ceased mulesing as the national flock shifts towards sheep that are less susceptible to flystrike. However, removing the need to mules through flock breeding programs is a long-term process and cannot be achieved within two years. While long-term breeding programs are being developed, producers are already opting towards welfare-improved mulesing with pain relief, with a number of pain relief products readily available for specific husbandry procedures.

As new treatments come to market and the economic benefits of animal welfare are realised, uptake of administering pain relief for stock procedures will increase. Change is also being driven at an industry level, with NSW Farmers members voting to support mandating the use of pain relief during mulesing through an industry-led initiative at its most recent annual general meeting. In addition, market forces are contributing to a reduction in mulesing, with non-mulesed wool now attracting a premium price. In 2008 the Australian Wool Exchange introduced the National Wool Declaration Integrity Program, allowing woolgrowers to declare their wool as either mulesed, non-mulesed, ceased mulesing or pain relief treated. As a result, wool sold from non-mulesed sheep has increased from 5.5 per cent in 2010 to 13 per cent in 2018, and wool sold from sheep given pain relief during the mules procedure increased from 8 per cent in 2010 to 35.6 per cent in 2018.

There has already been considerable investment and progress by the industry to reduce reliance on mulesing and promote the use of pain relief. Industry understands the need to transition away from mulesing and the need for pain relief when mulesing is necessary. The industry-led mandatory pain relief audit process achieves improvements in animal welfare without the need for additional government regulation. In addition, the New South Wales Government has already committed to a major reform of the POCTA Act and any amendments would best be considered during this reform process. While it is committed to animal welfare outcomes across New South Wales and continues to advocate for improved standards for the treatment of animals, this Government

also supports national consistency when it comes to animal welfare regulations. A national approach is the only way to ensure nationally consistent welfare outcomes for livestock industries and that the interstate trade of animal products is set to the same standard.

Government and industry are already working towards nationally consistent Australian Animal Welfare Standards and Guidelines for different types of livestock. The standards and guidelines set out clear minimum requirements for people responsible for livestock. The standards and guidelines for sheep and the standards and guidelines for cattle were agreed by State and Territory governments in 2016 and came into effect in New South Wales in December 2017. The standards and guidelines state that sheep less than 24 hours old or more than 12 months old must not be mulesed, and for sheep between six and 12 months old pain relief must be used. Where mulesing is performed, it is best practice for lambs to be mulesed between two and 12 weeks old, accompanied by pain relief where practical and cost-effective methods are available.

The sheep and cattle standards and guidelines also address other procedures, including castration, tail docking, disbudding, dehorning and identification such as branding, earmarking, tagging and tattooing. These standards and guidelines were developed by a drafting group that included representatives from an animal welfare committee, CSIRO and the Sheepmeat Council of Australia. Importantly, it also included a public consultation process that ran for five months in 2013. The process for the national standards and guidelines for pigs has also commenced recently, and New South Wales will continue to be an active part of the process to ensure clear minimum requirements are set. This national approach ensures that we have consistent welfare outcomes for livestock industries and that the interstate trade of products meets the same standard. Introducing animal welfare requirements on top of these standards and guidelines would place New South Wales farmers at a competitive disadvantage. It would have negative impacts on New South Wales producers, particularly while the industry is suffering the acute effects of the worst drought on record.

The Government is committed to ensuring we have a strong animal welfare framework that safeguards the welfare of all animals in New South Wales. In May 2018 the Government released the first ever NSW Animal Welfare Action Plan, which includes a commitment to reviewing the current framework and working with stakeholders and the community to develop and deliver modern legislation that provides for good animal welfare outcomes. This will ensure that New South Wales animal welfare legislation keeps pace with the latest animal welfare science, community expectations, industry practices and technology. The Government recently published an issues paper and is seeking community feedback on the focus areas for reform. This is an important step in the reform process and an opportunity for the people of New South Wales to help shape our future animal welfare laws. Any proposed changes to existing animal welfare laws would best be considered through this process after careful consideration of stakeholder feedback.

Ultimately, the Government will continue to deliver an animal welfare system that is focused on outcomes by working with industry and the community to reflect their expectations and evolving animal welfare science. We will continue to make progress on the NSW Animal Welfare Action Plan and work with other jurisdictions to continue to progress nationally consistent animal welfare standards and guidelines for different types of livestock. I reiterate that industry takes the welfare of livestock seriously and is taking proactive steps to improve welfare during and after stock procedures. Industry has done a great deal of work to develop and build a stronger evidence base and roll out solutions that are scientifically proven to be effective.

The wool industry has been undertaking research and development into genetic indicator traits for breech strike resistance. Improved genetics means that sheep will retain their current wool productivity without the susceptibility to flystrike. This program is extremely promising. Over the past 10 years increasing numbers of properties have been able to cease mulesing. Modelling work done by the Sheep Cooperative Research Centre indicated that 10 years of focused selection and breeding for less breech wrinkle or cover can reduce the proportion of sheep at risk of flystrike from around 71 per cent to around 30 per cent of the flock. However, improving genetic resistance to flystrike is a long-term process. While progress has been made, transitioning to a non-mulesed enterprise can be extremely complex depending on factors such as the geographical location of the farm, weather patterns and genetic inconsistencies.

It is not possible to cease mulesing by 2022 without creating perverse animal welfare outcomes. To help farmers promote their on-farm practices to consumers, the Australian Wool Exchange has developed the National Wool Declaration, which creates a price premium for wool producers by declaring the mulesing status of their flock. Data indicates that a price premium exists for wool from non-mulesed sheep and that this price premium is growing. In 2016 the average premium for declared non-mulesed 20-micron wool was 21¢ per kilogram. By 2018 the average premium had increased to 46¢ per kilogram. A number of retail and fashion brands have already voluntarily committed to phase out mulesed wool. Late last year Kmart and Target announced time-bound commitments to phase out mulesed wool. Target has committed that all wool in its own clothing and bedding would be from farms fully traceable and verified as non-mulesed or recycled by July 2023. Kmart aims to do the

same by July 2024. These retailers join David Jones and the Country Road Group, which made a similar commitment earlier this year. This further demonstrates that the market, together with industry, is already responding to this issue.

As I said, industry is already promoting the use of pain relief for mulesing in the short term. Wool Producers Australia, the peak industry body, has committed to mandating pain relief when mulesing. It is proposing an industry-led audit process under the National Wool Declaration to demonstrate pain relief usage. An industry-led mandatory pain relief audit process is also supported by NSW Farmers, Sheep Producers Australia and the National Council of Wool Selling Brokers of Australia. These industry efforts mean that 100 million lambs Australia-wide have received pain relief while undergoing the procedure. This bill also proposes to require the administration of pain relief for other stock procedures listed under section 24 (a) of the POCTA Act, effective immediately. As with mulesing, this is a process that industry needs to lead to ensure that the outcome is practical and effective.

Meat & Livestock Australia [MLA] is leading the way with its Strategic Partnership for Animal Welfare Research, Development and Adoption. Through this program, MLA is partnering with major research institutions to transform animal welfare for livestock throughout the whole supply chain. One project investigates topical anaesthetics and longer-acting analgesics to reduce pain during stock procedures. This project will provide producers with an affordable and practical protocol for delivering pain relief on farm, resulting in a better outcome for farmers and animals. Similarly, Australian Wool Innovation has identified novel pain relief options as an investment focus area for its 2019-2022 strategic plan. This investment will drive new pain relief options for farmers, resulting in better animal welfare outcomes in the long run.

The industry takes animal welfare seriously and is investing heavily in this area. For this reason the Government believes an industry-led rather than government-mandated approach to on-farm animal welfare is best. For these reasons, the Government will be opposing the bill.

**The Hon. MICK VEITCH (11:39:37):** I lead for the Opposition in debate on the Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill 2019. As the Minister for Education and Early Childhood Learning suggested in her contribution to the debate, there are some in the Chamber who have pretty extensive experience working with fly-struck sheep. I am not sure there are probably too many other than me who have had real, firsthand experience of this. What will happen is a flock of sheep will be fly-struck and the farmer or grazier will try to spend a bit of time managing it within the flock without too many sheep getting infested. However, if it gets too bad they will bring the sheep in and have them shorn. The shearers come in to undertake that work.

As I have said in a previous debate in this place, it is not the best of jobs at all. For the animals, it is extremely painful. Sheep will die a painful death from flystrike. In terms of the animal welfare outcomes, if it gets to that point you have got to do something to save the animal. For shearers and anyone in the shed at the time it is also a terrible experience. There are maggots everywhere. They are crawling up your arms. They will take refuge wherever they can. It smells and it is extremely dirty work. I do not think we should have to go through that exercise. I think we have got to work out how we can stop this at an earlier stage. I will speak more about that later.

A lot of people think it is just the breech area or the rear end of the sheep that is affected, but that is not the case. That is the predominant infestation area, but because of the folds of skin on merinos they can be fly-struck in other parts—often on the flanks. The *Lucilia caprina* blowfly came to Australia in about the early 1900s. That is when the issue started for the merino sheep in Australia. It is the wrinkling of the merino that makes this a real issue. It creates a warm, moist environment that the blowfly maggots can thrive in and then they eat the sheep alive. It is a terrible, terrible thing to see.

As the Minister said, there have been some improvements in this area over recent years. I have had the opportunity to visit some farms where they have taken time to breed their sheep so that there is less wrinkling around the breech area and less body wrinkle overall and, therefore, less if any capacity for flystrike. I spoke to one particular farmer up near Dubbo who said it took about 15 years for that genetic process to take place. It took a while to get it right. Members need to be aware that the genetics here will take a while to be proven. I spoke to Charlie Sheehan, who was the Country Labor candidate for the seat of Cootamundra. He runs a farm at Muttama. He has not mulesed for about 15 years on his farm. I had a look at Charlie's flock. His view is that it did not take him 15 years to get through that process, but it did take about eight years before you could actually see the effect taking place; for it to be proven was probably another couple of years after that.

**The Hon. Matthew Mason-Cox:** Through breeding.

**The Hon. MICK VEITCH:** Through breeding. Generally what happens is that the graziers will lamb down once a year for the breeding cycle to take place, to get that into the hereditary genetics of the sheep. It will take a while. That is one of the concerns that the Opposition has with the bill. I have spoken to its proponent, the Hon. Mark Pearson, at length about this issue. I have also spoken to Parliamentary Counsel about a potential amendment to try to push out the implementation period. I just do not think two years is practical for a lot of those graziers who have not started to move down the genetic process of moving away from the need to mules. I will talk a bit more about that later in my contribution.

I agree with the Minister that there is a need for national consistency in the definitions; the bill talks about that as well. The bill is well intentioned and I appreciate it is coming from a very good place, having seen what this is like. My real concern is that if we bring in a two-year or 2022 date it may have a perverse outcome for a whole range of sheep in New South Wales because the farmers will no longer be allowed to mules and therefore the sheep will be fly-struck and a lot of them will be exposed to a very painful death. I just do not think the date is practical. I am concerned that we may unintentionally create a perverse outcome for a whole heap of sheep in this State.

On that basis, I intend to move that this bill be referred to a committee so we can further explore the genetics and what is a suitable time frame for implementation. The committee would also look at some other techniques or technologies that are coming forward instead of that really harsh mulesing process. One such method is freezing. Some of us have a skin propensity for sunspots and skin cancers and they freeze them off. I am told there is now a technology very similar to that for use in mulesing of sheep, for clearing away the wrinkles around the breech. I am told that it would be of a similar pain level. I do not know—I have not explored that—but it is something I have been told. That is something we could look at in a committee inquiry process: What are the other emerging technologies that can be used to try to ensure that we get a positive animal welfare outcome here? People do not want sheep dying a painful death from flystrike. No member in this Chamber would want that. It is about how we get to the goal that the bill is trying to achieve.

I suggest we explore this in one of our very good committees, Portfolio Committee No. 4 – Industry, to work through this so that we can then bring the bill back and have a much more informed conversation about the genetics, the time frame required, the technologies available and the issue around the consistency of national definitions, for instance. I will be moving that amendment at the end of my contribution. If the amendment to refer the bill to a committee is not agreed to then, purely on the basis that the two-year time frame is not enough to bring into play the genetic requirements and the fact that there may well be a perverse outcome here for a lot of other sheep after that period, the Opposition will have to oppose the legislation. I urge members to give consideration to getting the bill to a committee so that we can get this right. Therefore, I move:

That the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 4 – Industry for inquiry and report".

**The Hon. EMMA HURST (11:48:10):** I express my support for the Prevention of Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill 2019 introduced by my colleague the Hon. Mark Pearson. To understand the importance of the bill, I want members in this place to think about exactly what mulesing is. It is the practice of slashing up to seven centimetres of skin from each side of the lamb's buttocks and stripping the flesh and skin away, in many cases without anaesthetic. It is cruel, it is brutal and it is an extremely painful procedure that no sentient creature should be forced to go through. We have known the horrific effects of mulesing on lamb for over 30 years. A 1989 study described animals that had just been mulesed as standing:

... with head down, nose almost touching the ground, back arched and body hunched and, maintaining this posture, they made sudden brief runs with a short, mincing gait ... The incredible pain these animals felt lasted for three days, with the large scars taking several weeks to heal. We know this, yet we continue to inflict this on millions of lambs in Australia. The pain and suffering mulesing causes lambs is recognised across the world, with many countries making it illegal. As we have heard, mulesing is justified as an attempt to produce smooth, scarred skin that will not harbour fly eggs and reduce the risk of flystrike. Indeed, we agree flystrike is an incredibly painful and horrific disease for sheep who are infected. It is important to note that the bloody wounds resulting from mulesing often also get flystrike before they heal. These lambs could doubly suffer from maggot infestation and from the pain inflicted by the procedure.

I highlight one of the biggest problems that we have not discussed in this place—that is, that these animals are not suitable for the Australian climate and clearly they are suffering from flystrike and mulesing because of their unsuitability. Those who oppose the bill will no doubt point to the recent commitment of New South Wales farmers to support the mandating and use of pain relief during mulesing as an industry-led initiative. While it is always encouraging to see industry engaging with animal welfare issues, unfortunately on this issue it really is a case of being too little too late. The Australian wool industry made a commitment over 14 years ago to phase out mulesing by 2010, but when 2010 came it backed out of this commitment. It is no wonder consumers and animal welfare groups are sceptical about promises of soft, industry-led solutions that are limited just to pain relief and do not include any hard deadline for mulesing to stop. That is why I applaud the actions of my colleague the



Hon. Mark Pearson to introduce a bill that will ensure that this inhumane practice comes to an end by a specified date.

The bill will ensure that this cruel practice comes to an end. We need a date for that end so that these animals can stop suffering from this procedure. At an absolute minimum we need to ensure that all animals forced to undergo these painful procedures receive much-needed pain relief until the time comes when the suffering caused by these procedures comes to an end. We will ensure that we respond to our communities who are demanding that animal protection remains at the top of the parliamentary agenda.

**Ms ABIGAIL BOYD (11:51:54):** I add the support of The Greens to the Cruelty to Animals Amendment (Restrictions on Stock Animal Procedures) Bill 2019 and thank the Animal Justice Party for introducing it. There is no doubt that sheep suffer a slow and painful death from flystrike. However, mulesing is also an extraordinarily painful experience for sheep, as we have heard today from the Hon. Emma Hurst, particularly when it comes without pain relief. Currently there are no permanent alternatives to mulesing that do not cause pain for the animal. There is no consensus as to whether the application of liquid nitrogen to freeze burn off the flystrike-susceptible area causes significantly less pain.

The only permanent and humane solution is breeding programs that reduce flystrike susceptibility. That has been happening here and in other countries. New Zealand banned mulesing in 2018, albeit with a longer phase-out plan. While we have concerns that an implementation period of less than two years before mulesing becomes a criminal offence will make it difficult for industry to conduct the breeding programs necessary to eliminate flystrike, on balance we do not view it as impossible and we will support the two-year period, while also being open to amendments to that. We thank the Opposition for its suggestion of a committee inquiry to explore the issue further. The Greens agree that would be helpful and we also support it.

**The Hon. MARK PEARSON (11:53:48):** In reply: I thank the Hon. Sarah Mitchell, the Hon. Mick Veitch, the Hon. Emma Hurst and Ms Abigail Boyd for their contributions. The bill addresses a fundamental problem that ever since mulesing was introduced by Mr Mules there have been numerous standing committees—federally and in Victoria, South Australia and New South Wales—that have all recommended mulesing must be phased out and an alternative to mulesing found, but no deadline has been put in place. If we keep putting off a deadline, we are putting off finding an alternative—that is obviously the breeding out of the wrinkles, or, as the Hon. Mick Veitch referred to, fast-tracking alternatives in technology to replace the process of mulesing.

The Animal Justice Party is disappointed that the Government and the Opposition will not support the bill if it does not go to a committee, but it supports the Opposition amendment to send the bill to the relevant committee. There has been debate on this issue for 70 years. We have to grapple with this issue because it is becoming an international disgrace. As members know, the world is watching what is happening to our animals because of what happened with the recent bushfires and with live exports. We need to turn our minds seriously to this and not put it in the too-difficult basket and walk away from it. That does not give assurance to the wool industry that the Parliament wants this practice of mulesing to finish by a given time. Deadlines compel the industry and we, as human beings, to put in the energy and the work to find a solution.

The Animal Justice Party will support the Opposition amendment to send the bill to the relevant committee to analyse forensically all of the possibilities and the alternatives to fast-track an end to the procedure of mulesing and to put in place mandatory pain relief. The Animal Justice Party supports the amendment and commends the bill to the House.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The question is that this bill be now read a second time, to which the Hon. Mick Veitch has moved an amendment. The question is that the amendment of the Hon. Mick Veitch be agreed to.

**The House divided.**

Ayes ..... 17  
Noes ..... 17  
Majority..... 0

**AYES**

Boyd  
Donnelly  
Graham  
Mookhey  
Primrose  
Shoebridge

Buttigieg (teller)  
Faehrmann  
Hurst  
Moselmane  
Secord  
Veitch

D'Adam (teller)  
Field  
Jackson  
Pearson  
Sharpe

## NOES

Amato  
Cusack  
Harwin  
Mallard  
Mitchell  
Tudehope

Banasiak  
Faraway (teller)  
Latham  
Martin  
Roberts  
Ward

Borsak  
Franklin  
Maclaren-Jones (teller)  
Mason-Cox  
Taylor

## PAIRS

Houssos  
Moriarty  
Searle

Ajaka  
Fang  
Farlow

**The ACTING PRESIDENT (The Hon. Trevor Khan):** There being 17 ayes and 17 noes, there is obviously an equivalence of votes. It therefore comes to the Chair casting his vote on this occasion. According to Lovelock and Evans, the established principles that guide a Chair in exercising a casting vote are three: first, the Chair should always vote for further discussion where that is possible; secondly, where no further discussion is possible decisions should not be taken except by majority; and, thirdly, a casting vote on an amendment to a bill should always leave the bill in its existing form. Therefore, there appears to be a degree of conflict between each of the principles.

**The Hon. Greg Donnelly:** You are paid the big bucks.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I am the Acting President, so I am not. I am left in an invidious position. However, my view is that the principle to be adopted is where an amendment is moved that would have an effect such as is proposed, the Chair should vote to leave the bill in its existing form. Therefore, I cast my vote in the negative.

**Amendment negatived.**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The question is that this bill be now read a second time. Is leave granted to ring the bells for one minute?

**Leave granted.**

**The House divided.**

Ayes .....6  
Noes .....30  
Majority.....24

## AYES

Boyd  
Hurst

Faehrmann (teller)  
Pearson (teller)

Field  
Shoebridge

## NOES

Amato  
Buttigieg  
Donnelly  
Graham  
Latham  
Martin  
Mookhey  
Primrose  
Secord  
Tudehope

Banasiak  
Cusack  
Faraway (teller)  
Harwin  
Maclaren-Jones (teller)  
Mason-Cox  
Moriarty  
Roberts  
Sharpe  
Veitch

Borsak  
D'Adam  
Franklin  
Jackson  
Mallard  
Mitchell  
Moselmane  
Searle  
Taylor  
Ward

**Motion negatived.**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I indicate to members that when I referred earlier to three principles I wrongly indicated that I was quoting from Lovelock and Evans. My error has been pointed

out. The authors of the tome to which I was referring were in fact Ms Susan Want and Ms Jenelle Moore. I indicate that those three competing principles included that the Chair should always vote for further discussion where that is possible. In light of the outcome of the vote, which was in the negative, I point out to all members—including the mover of the bill—that what has now been voted on is that the bill be read a second time. There are mechanisms available for members to seek to restore a bill such as this, which no doubt is advice that the member can receive in due course from the Clerks—although I am not encouraging him in any direction. The effect of a negated vote in this form simply means that the House is not prepared for the second reading to proceed now.

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

*Questions Without Notice*

**SCHOOL STUDENT ASSESSMENT RESULTS**

**The Hon. ADAM SEARLE (12:16:10):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that in his very first media statement, issued on 16 April 2011, then education Minister Adrian Piccoli claimed that closing the education divide between rural and urban students where rural ones were ranked fortieth in the world between Turkey and Lithuania was his first priority, what practical measures has the State Government taken since then to fix the problem and why, after nine years, is New South Wales still slipping further behind?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:16:50):** I thank the Leader of the Opposition for his question in which he referred to a press release put out by a predecessor of mine a few Ministers ago, the Hon. Adrian Piccoli, in relation to comments that he made when he was first appointed as Minister for Education. I have to confess that I do not have a copy of that particular press release with me, funnily enough, but I will take the Leader of the Opposition at his word. It would not have been a surprise that that was a priority for the Minister at the time, given that he was a member representing a rural community and he was passionate about regional education.

I can say that a lot of work has been done to improve opportunities for rural and remote students. It remains a priority of the Government and it remains a priority of mine. We have been doing a lot to address teacher availability and experience within rural and remote schools. I canvassed this area yesterday when it was raised by the Hon. Mick Veitch—particularly the three programs of work that are underway within our rural and remote 2.0 strategy, which aims to address teacher availability and experience within rural and remote schools, scholarships, incentives and marketing. We know that teacher quality is very important when it comes to student outcomes. This is certainly an area that we have been focusing on and that I want to continue to focus on for our rural and remote communities.

Our scholarship program is aimed at increasing teacher availability and improving the practicum placement in rural and remote areas through better support of graduates. Again, we know that if we can encourage students while they are at university to spend time in rural and remote communities then they are more likely to be open to accepting positions in those towns when the jobs become available after they have graduated. We are also looking at better selection of candidates. As part of that we have our teach.Rural Scholarships. Up to 60 of them are available each year for talented HSC students commencing teacher education studies who are prepared to teach in rural and remote locations. The scholarship provides an equivalent up-front course contribution fee of up to \$50,000 as well as \$7,500 per year of full-time study, \$6,000 on completion of study, a \$500 weekly allowance during rural practicum placements and a permanent teaching job. Those incentives are aimed at making those schools more attractive to new and experienced teachers.

Other incentives have commenced, including the Rural Teacher Incentive of up to \$30,000 per year; an experienced teacher benefit of \$10,000 per year for teachers who have been proficient for more than six years; and a rural non-school based teaching service incentive of up to \$25,000 per year for non-school based teaching staff in places such as Bourke, Broken Hill, Deniliquin and Moree. I can inform the Leader of the Opposition that the first quarterly payment for the Rural Teacher Incentive experienced teacher benefit occurred in 2019. This was a retention benefit that was extended from five to 10 years at an additional cost of approximately \$886,000 per annum. There is a lot more I could say but I have run out of time.

**The Hon. ADAM SEARLE (12:20:00):** I ask a supplementary question. Will the Minister elucidate the part of her answer where she talked about Government actions for improving opportunities for rural students and indicate to the House what her Government is doing to improve actual outcomes for rural students?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:20:19):** As I said, part of what we are doing to work on student outcomes is making sure that we have a good teaching workforce in our rural and remote communities. That is why I talked about the programs that we have underway, which I think are relevant to the issues that the member is raising. I also make the point that obviously we were

the first government in the country to sign up to Gonski as our school resources standard model. The way that it recognises regional locations in terms of the resource allocation model funding and gives additional funding to recognise rural and remote schools means that we are able to put more money into schools than they had under previous governments so that we can address some of those issues.

We have also had some great initiatives underway. Aurora College has been a fantastic initiative to provide a selective school experience for high school students in rural and remote communities where there is not a selective stream so they can work in those areas to improve their outcomes. We have a trial underway in primary schools; that has been happening for a couple of years and I will have some more to say about that in the near future as well. We have also had our Rural and Remote Education strategy. That commenced in 2014. It continues with renewed focus in 2020. Again, the key priority areas as part of that include staffing, curriculum access and also partnerships to make sure that we improve student learning.

This is about bridging the gap in educational achievement between rural and remote schools and metropolitan schools. Between 2014 and 2018 some 68 education networks were provided with seed funding of over \$1 million to help develop local solutions to educational challenges and also to enhance practice in rural and remote school communities. We have had the Rural and Remote Network Initiative projects, which continued in 2019, supporting 22 rural communities of schools to implement innovative curriculum projects. We are working in this space, working with these school communities— *[Time expired.]*

**The Hon. COURTNEY HOUSSOS (12:22:28):** I ask a second supplementary question. Will the Minister elucidate her answer relating to incentives for encouraging good teachers for rural and remote regions? Will the Government consider extending them to regional centres, such as Griffith and Dubbo, that also have trouble attracting and retaining teachers?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:22:54):** I am happy to answer the question. I did actually talk about those. I spoke about the rural teacher program that we are running, but I appreciate the intent of the question that the member has asked. As I said yesterday, this is an area that I particularly have a very strong view about, being a rural and regional Minister. It is something that the Government has had as a priority.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I call the Hon. John Graham to order for the first time. He has made a couple of interjections. If I draw a line in the sand now, he might take on board that there is a long way to go in question time.

**The Hon. SARAH MITCHELL:** It is a priority to make sure that we are working to address the gap that exists between our rural and regional students and our metropolitan students. In relation to the member's question, I will largely echo the comments that I made yesterday. I have said publicly that I think we need to look at what incentives are in place. We have some great scholarship programs and we have some good people teaching in the regions, but I think there is more that we can do. I am not going to get into the habit of announcing Government policy on my feet in question time, but I will say that this area is a priority for the Government. It is a priority for me. We are actively looking at opportunities as well as implementing the existing incentives that we have in place across New South Wales.

*[Business interrupted.]*

*Visitors*

#### VISITORS

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I welcome year 11 students from Miller Technology High School, who are visiting the Parliament today for a legal studies workshop conducted by staff from Parliamentary Education and Legislative Assembly committees.

*Questions Without Notice*

#### CROMER HEIGHTS ABORIGINAL PLACE

*[Business resumed.]*

**The Hon. TAYLOR MARTIN (12:24:53):** My question is addressed to the Aboriginal affairs Minister. Will the Minister update the House on the recent declaration of Cromer Heights as an Aboriginal Place?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:25:04):** I thank the Hon. Taylor Martin for his question. I know he is interested in this and that he also had a close interest in the Calga listing, which took place last year. On Thursday 23 January 2020 it was my privilege to declare the

Cromer Heights Rock Engravings and Shelter an Aboriginal Place. I had the pleasure of visiting the site to formally announce its protection and meet the individuals and community groups involved in the nomination. Cromer Heights Rock Engravings and Shelter is an exceptional site for its cultural landscape values.

The area includes several distinct rock art engraving sites and a rock shelter occupation site. It is highly significant to the local and metropolitan Aboriginal community, as the site is part of a wider cultural landscape of the northern beaches region. The remarkably intact and numerous engravings enhance the importance of the site as ongoing evidence of Indigenous culture and occupation of areas. It is a place where traditional owners of the land passed regularly and may have been associated with ceremonial activities and storytelling. The site is currently used by schools and interest groups with the Aboriginal community as a place to learn about the cultural heritage of the area. It has been an invaluable tool for the education and continuing culture of young Aboriginal boys and girls in the community.

I had the pleasure of meeting the private landowners, Dr Conny and Dr Anthony Harris, who worked to secure the site. Their efforts in supporting access and nomination of the site as an Aboriginal Place are testimony to the value and importance that heritage can have on privately owned land. They support continued access by Aboriginal people for cultural practices and education and have welcomed sensitive visitation by bushwalkers. I applaud the support of the Metropolitan Local Aboriginal Land Council for visitor management and for the preparation of the site management plan. The passion of the private property owners—who are not traditional owners—to help preserve this unique site and to share its values is something to be celebrated.

Declaring this cultural site an Aboriginal Place recognises the special importance of the place to local Indigenous communities and its value to our State as an important historical site before European arrival. The declaration provides legal mechanisms to safeguard the Cromer Heights Aboriginal Place from harm or desecration, ensuring its ongoing value to all Australians.

#### SCHOOL STUDENT ASSESSMENT RESULTS

**The Hon. PENNY SHARPE (12:28:00):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that the Premier has stated that science, technology, engineering and mathematics—that is, STEM—is a priority, what is the Minister's response to today's report that less than half of New South Wales year 10 students met the NAPLAN benchmark for scientific literacy? What practical steps is her Government taking to fix this?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:28:28):** I thank the member for her question about the results that the Australian Curriculum, Assessment and Reporting Authority, or ACARA, has released today. They are the 2018 NAP Science Literacy results and we are now talking about them in early 2020. My issues with NAPLAN and the timing of the data will again come to the front, but I know that is not what the member asked me about. I share the concerns regarding the disappointing results from the literacy tests that were released today. I again make the point that this is a national problem. Data coming through from other States is showing that New South Wales is on pretty similar footing to Victoria and South Australia, particularly in the proficiency of year 6 students. In the year 10 proficiency we are slightly above Victoria. This is something all States and Territories need to take seriously, and we do.

As I said yesterday in relation to these issues, at the most recent Education Council of Ministers we discussed this issue at considerable length and what actions will be coming out of the results that we are seeing come through. That is why the review of the Australian curriculum for both maths and science has been prioritised as the first two syllabuses to be considered. That is something all Ministers signed up to. That work is underway and will take place throughout this year. As I said, in New South Wales we have commissioned that first intergenerational curriculum review to redefine and declutter what is taught. We have a clear focus, unashamedly, on a back-to-basics approach with an emphasis on depth of content rather than breadth.

The final report is due shortly and I expect work to commence on refining our curriculum shortly thereafter. Again, that is due to happen very soon. Since the introduction in 2006 of the science literacy test we have progressively introduced new science syllabuses across kindergarten to year 12. These courses incorporate an increased focus on developing practical skills to solve real-world problems. As I said, we have commissioned the curriculum review but we have also created maths, science and technology specialisations in primary school teaching degrees to make sure that our students are filled with a wonder for science early in their schooling.

Over the past two years we have had 30 teachers with a science and technology specialisation start teaching in New South Wales primary schools and an additional 87 teaching students are currently on track to complete this science and technology specialisation. We have also provided the \$23 million package of digital learning resources, which is now available for every public school student to learn new technology in schools. This is our STEM Technology for Learning community program. It provides students with access to things like robotics, 3D

printing, coding, filmmaking, and virtual and augmented reality—all vital technologies for the study of science, technology, engineering and maths. These community kits provide iPads, laptops and other equipment to our primary and secondary schools.

**The Hon. PENNY SHARPE (12:31:33):** I ask a supplementary question. Will the Minister elucidate her answer? As someone who has a son in year 10 this year, it sounds as though it will be a long time before any practical steps are taken. Will the Minister please provide what immediate action and support is being given to teachers in schools to raise our NAPLAN science literacy now, not in several years' time after reviews?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:31:55):** As I said, the work I am talking about in relation to these specialisations in primary schools, the science, technology, engineering and mathematics [STEM] kits that we are handing out in our secondary and primary schools, is work that is happening now. But for the member's benefit I am also happy to talk about our increased professional learning and resources for teachers across all of our New South Wales schools to support these new science and technology syllabuses from kinder to year 6 and also years 7 to 10 and the stage 6 syllabus. We also have the Validation of Assessment for Learning and Individual Development program. This is about providing online, end-of-stage assessments for the science key learning area.

We also have our STEM Industry School Partnership Program. This is a really exciting initiative. It is a very contemporary education model that, in partnership with industry, is inspiring students to study STEM and prepare for their future careers. We lead this, in association with Regional Development Australia. We built a kindergarten to year 10 STEM education continuum with that emphasis on the primary to secondary transition and we are promoting pathways to STEM jobs for students right across regional New South Wales. We have had six new senior science syllabuses. They were examined for the first time last year. We have an increased focus on digital technologies implemented and also some senior maths syllabuses as well. So there is a range of work underway in this space.

**The Hon. ANTHONY D'ADAM (12:33:26):** I ask a second supplementary question. I was interested in the Minister's answer on the program for training maths and science specialty teachers for primary. Will the Minister elucidate her answer to explain whether those teachers who graduate from that program will be guaranteed permanent jobs in the system?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:33:49):** I reiterate what I said earlier, which was that over the past two years 30 of these teachers have started teaching in our New South Wales primary schools. We have an additional 87 on track to complete that specialisation.

#### LAKE MACQUARIE MINING

**Ms ABIGAIL BOYD (12:34:10):** My question is directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, representing the Minister for Energy and Environment. The Lake Macquarie community has raised substantial concerns in relation to Centennial Coal conducting drilling and seismic testing in Lake Macquarie. Given the potential significant harm to wildlife from drilling and seismic testing, what steps has the Government taken to protect the Lake Macquarie wildlife and to consult with the Lake Macquarie community in relation to those concerns?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:34:41):** I thank Ms Abigail Boyd for her question and I will seek a response from the responsible Minister as quickly as possible.

#### SCHOOL YEAR 2020

**The Hon. SAM FARRAWAY (12:34:55):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the start of the 2020 school year?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:35:08):** I thank the Hon. Sam Faraway for his question. It was an exciting start to the 2020 school year. We had more than 71,000 new kindergarten students start their first year at school, joining over 700,000 other students across New South Wales public schools as school returned for the year. For 968 school communities the return was a little different. For some they would see progress on a major project and for others there was substantial maintenance work completed over the holidays.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Courtney Houssos to order for the first time. The member will cease interjecting.

**The Hon. SARAH MITCHELL:** For 17 of our school communities they walked into brand-new facilities and a further seven will have the same experience throughout this term. I was pleased to join with the Premier as

we went on a tour of some of the new facilities that opened during the first week of school. We started in Camden with the local member, Peter Sidgreaves. Peter's community has benefited from this Government's investment in a new primary school at Gledswood Hills, a new high school at Oran Park and an upgrade to Oran Park Public School delivered last year.

At the newly opened Gledswood Hills Public School we met with Principal Lisa Whitfield and two of her excellent year 6 students, Ashtyn Swadling and Divya Grounder. The school is absolutely incredible. Situated in one of Sydney's growth areas, it has the capacity for 600 students with 400 starting this year. Arriving on the first day of a brand-new school and seeing the proud parents and excited children was a privilege. Speaking with the principal and her leaders, I heard their pride in a school that I know generations of staff, students and families will love.

We also visited new facilities at Prestons Public School with the fantastic member for Holsworthy, Melanie Gibbons. With 10 new teaching spaces delivered 12 months ahead of schedule, students at Prestons Public School will benefit from these future-focused classrooms. Much has been said about the new schools at Parramatta but I will say that the students at Parramatta Public School absolutely love their new facilities. The local member, Geoff Lee, the Premier and I were all amazed by the unique design of the school and the important recognition given to the heritage of the facility. The school is linked to the history of Parramatta. Under one of the State's most modern schools sits the remarkably intact cellar forming the sandstone footings of Edgeworth House, the home of Parramatta's second lord mayor, James Byrnes, in 1848. They are now preserved under clear perspex for the school community to see and learn from.

We also stopped by Epping Public School, where the Treasurer, Dominic Perrottet, helped officially open the 22 new permanent classrooms—a \$20 million investment. We also went to the new school at Smalls Road with the member for Ryde, Victor Dominello. This is a truly world-class facility. The students there were having a fantastic time. I think they are calling it "the donut school" because of its circular construction. We had 60 eager kindy kids starting this year before the school opens to more students in 2021.

#### ANIMAL BAITING

**Ms CATE FAEHRMANN (12:38:14):** My question is directed to the Minister representing the Minister for Energy and Environment. It has taken decades to minimise aerial 1080 baiting and instead use monitored bait stations due to potential impacts on non-target animals, particularly native carnivores like spotted quolls and dingoes. Recent research has found that, of 783 wild canines killed as part of pest control measures in New South Wales, one in four were pure dingoes while most were genetically more than three-quarters dingo. What measures is the Government taking to distinguish between wild dogs and dingoes and to ensure that native dingo populations and spotted tail quolls are not being wiped out by aerial 1080 baiting?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (12:38:58):** I thank the member for her question. I am advised that, unfortunately, one of the largest threats to our native animals is feral predation. The scientists are telling us that we need to control feral predation or risk the extinction of some of our unique and beloved animals. The experts tell us that feral control needs to occur at a landscape level. The most effective way to undertake feral control at the landscape level is through baiting with 1080. The use of 1080 in New South Wales is tightly controlled under the Pesticides Act 1999 and is regulated by the NSW Environment Protection Authority. The NSW National Parks and Wildlife Service undertakes a risk assessment prior to the use of 1080 to minimise negative impacts on non-target species.

I am advised that extensive scientific research has shown that NSW National Parks and Wildlife Service's current baiting techniques, particularly aerial application, do not impact quoll populations. In regards to wild dogs, a wild dog is any dog living in the wild, including feral dogs, dingoes and their hybrids. The proportion of pure dingoes in remaining populations is not accurately known, but to minimise the impacts on dingoes the NSW National Parks and Wildlife Service avoids baiting for dingoes in core areas of some national parks. Feral predation is one of the largest threats our native species face. While there are some challenges with using 1080, it must be remembered that if we do not bait our native species will suffer and struggle to recover from the impacts of the bushfires. However, we should not underestimate the destructive impact of feral predation on our native species.

#### SCHOOL STUDENT ASSESSMENT RESULTS

**The Hon. ANTHONY D'ADAM (12:41:10):** I direct my question to Minister for Education and Early Childhood Learning. Has the New South Wales Government examined the world's best practice in countries that are leading in the Programme for International Student Assessment [PISA] testing? What aspects of their educational policies have been implemented in New South Wales?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:41:40):**

I thank the Hon. Anthony D'Adam for his question. Yes, of course we look at world's best practice. It is important that we do that. It is something we need to know because we need to look at comparisons between us and other jurisdictions, but we also need to do it in a way that compares like with like. For example, we talk about the recent PISA tests. I am really interested in looking at countries that have similar systems to us, those that are potentially ones we can compare ourselves to. That would include, for example, places like Canada.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I call the Hon. John Graham to order for the second time.

**The Hon. SARAH MITCHELL:** Canada's education system is quite similar to ours and it operates its provinces similarly to the State-based system that we have in Australia. Canada has similar demographics in terms of its Indigenous population and also in terms of rural and remote communities. Canada is a country that, at the time the PISA testing began, was on a similar footing to New South Wales and Australia. It has moved ahead, and we acknowledge that. Yes, we look at other systems including those countries that are doing well. We look at what they are implementing, learn from those examples and see how they can be applied in New South Wales. It is something the department does, it is something that I do and it is something that our principals do. We often have exchange opportunities for principals who take scholarships to study overseas so that they can look at world's best practice and come back and implement that in the classrooms.

**NSW WOMEN'S WEEK**

**The Hon. LOU AMATO (12:43:35):** I address my question to the Minister for Mental Health, Regional Youth and Women. Will the Minister please update the House on plans for NSW Women's Week 2020?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:44:05):** I thank the Hon. Lou Amato for his question. Indeed, it is Women's Week next week. As the proud New South Wales women's Minister, I believe women and girls should take pride in their accomplishments. Their achievements should be recognised and they absolutely should be celebrated. NSW Women's Week was established in March 2019 to extend the celebrations around International Women's Day and as an opportunity to reflect on the social, economic, cultural and political achievements of women and promote gender equality. Women's Week 2020 will build on the success of the inaugural Women's Week through a diverse calendar of events to be celebrated right across State.

All activities on the 2020 calendar promote the NSW Women's Strategy's three key priority areas: women's economic opportunity and advancement, health and wellbeing, and participation and empowerment. The Women's Week Grants program has funded 23 organisations to hold events across New South Wales, including the Central West Women's Health Centre in Bathurst, which will hold a week-long celebration, What Women Want Week, packed full of workshops to keep women healthy, wealthy and wise. I will drop in on Tuesday next week. Home Grown: Bush Women in Business will provide an opportunity for young women in Coonamble to learn about entrepreneurship from local mentors—a really important program.

Western Sydney is the stage for free sports clinics for girls as part of a week-long Women in Sport roadshow. Public events include the Bio and Beyond student challenge, in partnership with the University of Sydney. Sydney Girls High School and Presbyterian Ladies' College will present their bioengineering designs of the future to an audience of 100 high school students. The event is aimed at encouraging women and girls into science, technology, engineering and mathematics [STEM]. The Cancer Institute NSW's Women's Health Forum will discuss the important topic of screening for breast, bowel and cervical cancer. The Heart Foundation will also be involved to discuss heart checks and risk factors specific to women—heart disease is a big killer.

The Talking Women Business Leaders Panel at Telstra event is a forum of four female business leaders from the artificial intelligence, STEM and financial sectors, who will come together to discuss female leadership in business and women's financial security. Our flagship event of the week is the NSW Women of the Year Awards, which will again be held at the International Convention Centre Sydney. Now in its ninth year, the awards celebrate the outstanding contribution that women make across New South Wales in industry, communities and our society. In 2020 there are 25 outstanding finalists selected from hundreds of nominees across all categories. I encourage all members of the House to please celebrate Women's Week. Let's encourage women to tell their stories so that they can encourage others, because you can't be what you can't see.

**NARRABRI GAS PROJECT**

**Mr JUSTIN FIELD (12:47:01):** I direct my question to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Planning and Public Spaces. In response to questions on notice from a recent inquiry into the chief scientist's review of coal seam gas the Government flagged it is undertaking a detailed assessment of the potential economic impacts of the Narrabri Gas Project, which includes advice from an



independent economic expert and a review of material from the Australian Energy Market Operator and the Australian Competition and Consumer Commission. Who is the independent economic expert providing this advice, what are the terms of reference of the review, including the completion date, and will the review be made public?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:47:49):** I thank Mr Justin Field for his question, which relates to a Minister whom I represent in the other place. The project that he is referring to is currently being assessed. It involves the development of up to 850 gas wells over 25 years to produce up to 70 petajoules of gas a year. That is enough to supply around 50 per cent of New South Wales' gas demand, I am informed. The project has a capital investment value of \$3.6 billion and would generate up to 1,300 jobs during construction and 200 during operations. As the member has asked me detailed questions about the project, I will take the question on notice, consult with the Minister and endeavour to get back with an answer in a timely manner.

#### SCHOOL STUDENT ASSESSMENT RESULTS

**The Hon. WALT SECORD (12:48:46):** I direct my question to the Minister for Education and Early Childhood Learning. Has the New South Wales education system closely examined the Finnish model for education and gleaned any lessons from the Finnish model?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:49:13):** As I said in my earlier response to a question from the Hon. Anthony D'Adam, we are always looking at international examples, what works and does not, how those systems are similar to Australia and New South Wales in particular and whether there are any lessons that can be applied in New South Wales, in particular in Finland, which the member requested. I will seek some advice on what work the department has done to look at the Finnish example and whether there have been any opportunities to consider what that country is doing. I will let him know in due course.

**The Hon. WALT SECORD (12:50:09):** I ask a supplementary question. Will the Minister elucidate her answer? In her answer she referred to the international examples of Canada and Finland. What other international jurisdictions is the Department of Education examining?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:50:33):** Like I said, we often look at different jurisdictions, what they are doing and whether they are applicable examples that can be used in New South Wales. I said that I will take some advice on Finland, but I am really happy to also provide the member with more advice on what other international examples we are looking at. Recently at the Sydney Morning Herald Schools Summit the secretary made some comments on the work we are doing with the OECD to get some advice on how we can make improvements in New South Wales. I am happy to come back to the member with a much more extensive list of other jurisdictions we are looking at.

**The Hon. MARK LATHAM (12:51:05):** I ask a second supplementary question. Will the Minister elaborate on those international comparisons? Given that New South Wales has a cross-curriculum priority for Asian integration in our syllabus, why do we not also have a priority to look at Asian academic results in comparison to ours and, in particular, try to work out why Chinese 15-year-olds are four years ahead of ours in maths?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:51:35):** I reiterate what I said earlier: We do look at international jurisdictions. I am happy to seek some advice specifically around China, because the Hon. Mark Latham raised that in his question. But again, when we look at international comparisons we need to look at our school systems, how they relate or correlate to what we see overseas and how they relate in terms of similar demographics and similar issues. For example, we are addressing things like Indigenous populations and rural and remote communities.

The system we have in New South Wales is very different from what they have in a country such as Singapore purely because of the geographical spread of our schools. There are certain things we need to look at and consider when we are comparing systems. It is not always comparisons of like with like. Having said that, we should look at world's best practice, which includes, as I said, considering research and data from other countries around the world. I have taken the question on notice and will provide more information on specific examples of the countries we are looking at. In response to the Hon. Mark Latham's supplementary question, that will absolutely include China. I am happy to make that available to all members.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I indicate to the Hon. Courtney Houssos that if she continues to interject I will call her to order. The same applies to the Hon. Daniel Mookhey.

### BUSHFIRES AND SMALL BUSINESS

**The Hon. SHAYNE MALLARD (12:52:59):** My question is addressed to the Minister for Finance and Small Business. What is the New South Wales Government doing to ensure that local businesses are involved in the bushfire clean-up?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:53:30):** I am very focused today because this is a very important question. I thank the Hon. Shayne Mallard for his question. He comes from a community that was significantly damaged by the bushfires. Along with most members in this place, he is very concerned with the bushfire recovery and the outcomes of the clean-up process. To that end, it should act as a stimulus for local small business. That is why the New South Wales Government is committed to supporting our regional communities as part of the clean-up process.

At the commencement of the negotiations with Laing O'Rourke I issued a direction to the NSW Procurement Board that all government agencies are to source work from local businesses as part of the bushfire recovery process. When it comes to the massive task of cleaning up residential and commercial sites, the New South Wales Government has engaged Laing O'Rourke as the lead contractor to conduct the works. As a part of that contract, Laing O'Rourke is working with local subcontractors and suppliers who have the local knowledge and expertise to get the job done.

For example, Moruya-based David Law's small business DWL Demolitions and Excavations is engaged in the clean-up program to clear destroyed properties in Mogo. In January his local business was involved in clearing fire breaks in the face of the South Coast fires. I commend David Law and his team for their efforts in helping respond to the threat to their communities during the bushfires and am delighted that the New South Wales Government is able to partner with his local small business in the vital clean-up project.

More than 1,000 local businesses have already registered to assist in the clean-up. There is a simple process for any local business to register through Service NSW. Laing O'Rourke has identified 31 categories of expertise needed, from arborists to traffic controllers and from haulage to pest control. Many of the sites to be cleared contain asbestos and local businesses with the required asbestos removal licences are encouraged to register. A vital way to help bushfire-affected communities recover economically is to get local businesses involved wherever possible in all clean-up, repair, rebuild and remediation works in their local communities. The New South Wales Government has taken the steps needed to ensure that this happens to support those communities.

### HUMANE EDUCATION

**The Hon. EMMA HURST (12:56:31):** My question is directed to Minister for Education and Early Childhood Learning. Humane education is broadly defined as the use of education to nurture compassion and respect for all living beings. A 2014 report by the Humane Research Council found that the vast majority of Australians believe incorporating humane education in primary and secondary schools is important. Why is humane education on animal welfare not included in the New South Wales school curriculum?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:57:01):** I thank the Hon. Emma Hurst for her question. The New South Wales Educational Standards Authority [NESA] is responsible for developing the kindergarten to year 12 curriculum to be taught in New South Wales schools. NESA works closely with teachers and key education stakeholders to ensure that New South Wales syllabuses are contemporary and relevant and address community standards and expectations. The New South Wales kindergarten to year 12 science and technology education syllabuses include directions for teachers to, "recognise and reflect relevant State and Commonwealth legislation, regulations and standards, including animal welfare guidelines" when developing and delivering their teaching programs.

The humane treatment of animals is included in the teaching and learning of the following syllabuses: Science and Technology K-6, Science Years 7-10, Chemistry Years 11-12, Investigating Science Years 11-12, Physics Years 11-12, Science Extension Years 11-12, Technology Mandatory Years 7-8, Agricultural Technology Years 7-10, Marine and Aquaculture Technology Years 7-10, Agriculture Years 11-12, Marine Studies (CEC) Years 11-12 and Primary Industries Years 11-12. In addition, schools that use or intend to use animals for teaching and learning must satisfy the requirements of the Animal Research Act 1985 and the Australian code of practice for the care and use of animals for scientific purposes. This advice applies to all schools of the NSW Department of Education, Catholic Education Commission NSW and the Association of Independent Schools of NSW.

The Department of Education operates the Schools Animal Care and Ethics Committee to ensure that all schools comply with the requirements of the Animal Research Act and the Australian code for the care and use of animals for scientific purposes. Through this committee, the department promotes the ethical, humane and responsible care and use of animals and manages the "Animals in Schools" website. As required by the Animal

Research Act, the committee has developed a list of approved activities that determine how schools can use animals for educational purposes, which are published on the website.

The committee also makes routine visits to schools across New South Wales to monitor animal welfare. New South Wales is the only State in Australia that employs a full-time adviser to manage the use of animals in schools and ensure that schools are compliant with the Animal Research Act 1985 and the Australian code for the care and use of animals for scientific purposes. This adviser delivers professional learning to teachers across New South Wales to help them remain current with the knowledge and skills related to animal welfare.

#### **YANCO AGRICULTURAL HIGH SCHOOL**

**The Hon. SHAOQUETT MOSELMANE (12:59:47):** My question is directed to the Minister for Education and Early Childhood Learning. Given concerns raised by parents and female students at Yanco Agricultural High School over the standards of demountable buildings, which have visible cracks and air conditioners half hanging out, will the Minister commit to providing permanent facilities for female boarders at Yanco and when will the facilities be provided?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:00:15):** I thank the Hon. Shaoquett Moselmane for his question. He is obviously a member with a keen interest in Yanco and what is happening down there.

**The Hon. Shaoquett Moselmane:** It is in my electorate.

**The Hon. SARAH MITCHELL:** Yes, that is why I said it. I was actually being genuine. I thank the member for his question. It is an important issue that he has raised. We acknowledge the concerns of students regarding the dormitory options for female students at Yanco Agricultural High School. With the mix of female and male enrolments at the school it was necessary for the Department of Education to look at alternative options for boarding facilities. Currently the school has enough space in the permanent dormitories to accommodate all students. However, the school arranged for the additional demountable dormitories to ensure that female and male students are accommodated separately, which of course makes sense and is something the principal and school community wanted.

The Government has invested money in the school—approximately \$10.7 million on capital works and \$4.5 million on maintenance. I am advised that the demountable dormitories meet all the relevant health and safety standards and that the capabilities of the reverse-cycle air conditioners are sufficient to meet the demands of the climate. However, I have had this issue raised with me by members of the community and other stakeholders. In particular, the Isolated Children's Parents Association raised it with me when we met towards the end of last year. I am heading down to the school in a couple of weeks to look for myself and meet with the school staff. In the meantime, we will continue to work closely with them to maintain the condition of the current school infrastructure.

#### **AUSTRALIAN MUSEUM RESEARCH INSTITUTE**

**The Hon. MATTHEW MASON-COX (13:01:55):** My question is addressed to the arts Minister. Will the Minister update the House on the Australian Museum Research Institute?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (13:02:14):** On 18 December 2019 it was announced that the Director of the Australian Museum Research Institute, the wonderful Dr Rebecca Johnson, sadly would be leaving the museum to take up the influential role of Chief Scientist and Associate Director of Science at the prestigious Smithsonian National Museum of Natural History in Washington, D.C. This is an extraordinary honour for Dr Johnson. On behalf of the New South Wales Government, I extend to her our sincere congratulations. I do not think it is unfair to say that it is also an incredible honour for the Australian Museum to have one of its staff recognised internationally as being at the forefront of cutting-edge scientific research.

Dr Rebecca Johnson has been Director of the Australian Museum Research Institute for the past five years. During that time she received world acclaim, leading the international team that sequenced the genome of the koala in 2018 for the first time. She is a regular media and social media contributor on scientific matters and is a role model for female scientists across New South Wales and the world. During her time at the museum Dr Johnson created the Australian Centre for Wildlife Genomics and played a critical role in taking the research institute at the museum to a new level of museum science. Dr Johnson is a wonderful advocate for science and for women in science, technology, engineering and mathematics and has implemented a number of flagship initiatives at the Australian Museum. These include FrogID, which has over 120,000 downloads and 100,000 frog

calls submitted, the Australian Museum ICONS, the Koala Genome Consortium and the Australian Museum expeditions program.

Rebecca and I are particularly bonded over our mutual interest in the Solomon Islands. I took a great interest in her work on the island of Malaita to advance conservation efforts, particularly for the elusive monkey-faced bat and endemic giant rats. Sadly, she will now not be able to fulfil her promise to take me to see them.

I seek leave for an extension of time.

**Leave granted.**

Dr Johnson was recently awarded the status of Honorary Fellow of the Australian Museum, one of the museum's highest designations, for her extraordinary achievements in wildlife genomics and as the first woman to lead science at the Australian Museum since it was founded in 1827. All of these career achievements underline that Dr Rebecca Johnson has been an extraordinary contributor and is an extraordinary scientist. I am sure that all members of the House join me in saying how absolutely thrilled we are that she has been chosen to take on a position that is arguably the most prestigious job in museum science anywhere in the world.

**CARBON EMISSIONS TARGET**

**The Hon. ROD ROBERTS (13:06:18):** My question is directed to the Leader of the Government in the House, the Hon. Don Harwin. I refer the Minister to Deputy Premier John Barilaro's statement on Sky News on 13 February in reference to the Minister for Energy and Environment's climate policy. He stated, "He talks about net zero emission targets by 2050, yet that would mean the end of agriculture ... What does that do to regional and rural communities? That is the end of mining." Given these concerns, what is the Government doing to guarantee the viability of agriculture and mining in New South Wales?

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (13:07:10):** I will take pity on the Hon. Rod Roberts and not note that, of course, the Deputy Premier was in fact offering an opinion on those issues and I am being asked to offer an opinion on an opinion. I am more than happy to say that the position of the Government has been very clear since 2016. We do support a net target, as was outlined in the member's question, and that is of course for net zero emissions by 2050 to make New South Wales more resilient to a changing climate. The emissions reduction objective is consistent with the Paris Agreement to keep global temperatures to, if possible, well below 2 degrees Celsius.

The State's emissions declined by around 18 per cent from 2005 to 2017, compared with the national average reduction of 12 per cent. In 2018 over 17 per cent of energy in New South Wales was from renewable sources. The New South Wales Government set a target to install enough rooftop solar on government buildings in 2018 to provide 25,000 megawatt hours of electricity per year by 2021, increasing to 55,000 megawatt hours by 2025. Some 18,000 megawatt hours of rooftop solar have been installed as of 31 December 2019. Emissions reductions are being achieved through transition to renewable energy and the electricity strategy, improvements in energy efficiency and a suite of energy efficiency policies, as well as programs under the \$1.4 billion NSW Climate Change Fund and an integration of the net zero objective into major Government strategies, including the NSW State Infrastructure Strategy, the Future Transport Strategy, the Greater Sydney Region Plan and the Critical Infrastructure Resilience Strategy.

The Climate Change Fund spending in 2018-19 was \$248.3 million and included, for example, \$191.9 million allocated to resilience, local government for flood strategies, energy efficiency and bushfire management. The fund is also investing in smart energy for homes and businesses, smart energy storage for key government buildings and a series of other projects that are designed to reduce the impact on families and businesses, in particular. The Government is confident that it will be able to— [*Time expired.*]

**SELECTIVE SCHOOLS**

**The Hon. GREG DONNELLY (13:10:48):** My question without notice is directed to the Minister for Education and Early Childhood Learning. What is the Government's response to community calls for an increase in the number of selective schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:11:17):** I thank the Hon. Greg Donnelly for his question. The Government announced last year that we are intending to have a new selective school in south-west Sydney. As was said at the time, we know that this is an opportunity many parents would like for their children. The new school will build on the current selective high schools, including the partially selective high schools, the four agricultural high schools and the opportunity classes that are currently located in 76 public schools across New South Wales. We are actively looking at plans for the site

of the new selective high school in south-west Sydney and an announcement will be made in that regard in due course.

**The Hon. Walt Secord:** I seek the call.

**The Hon. DON HARWIN:** If members have further questions, I invite them to place them on notice.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I point out to members that the President maintains a strict position with regard to the order in which questions are asked. It is a position that I have not entirely agreed with. Nevertheless, that is the position the President has adopted and I am maintaining it. It was a Government question next. It would be good if Government members have the wit to be ready to ask their questions.

#### *Supplementary Questions for Written Answers*

### **RURAL AND REMOTE EDUCATION STRATEGY**

**The Hon. ANTHONY D'ADAM (13:14:20):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Has the Government conducted an independent evaluation into the effectiveness and particularly the long-term teacher retention rates of the Department of Education's Rural and Remote Education Strategy?

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

### **TAKE NOTE OF ANSWERS TO QUESTIONS**

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

That the House take note of answers to questions.

### **SCHOOL STUDENT ASSESSMENT RESULTS**

**The Hon. ADAM SEARLE (13:15:58):** There were a lot of questions asked today around the education space, the performance of New South Wales students and the declining performance of the New South Wales education system over the term of office of this Government. In particular, today we commenced by referring back to the Government's hopeful start to its term of office in 2011. On 16 April 2011 the education Minister at the time, Adrian Piccoli, said in his very first press release:

New South Wales Minister for Education, Adrian Piccoli, has put closing the education divide between rural and urban students on the national agenda.

The press release began breathlessly and continued with Minister Piccoli stating:

"There is a growing body of evidence that the educational divide between rural kids and city kids is not only growing but becoming entrenched."

Later he said:

"New South Wales is serious about closing the gap ..."

And he concluded:

"Action to close the rural/urban divide must be a priority for all Australian governments."

Since that press release this Government has delivered 10 budgets in its nine years in office. Where is the performance of our students and our education system? It is collapsing. It is sinking faster than the *Titanic*. Questions today and yesterday, not only from the Opposition but from across the Chamber, have shown that the Minister and this Government have no answers as to why this is happening and, perhaps worse, no ready response to what it intends to do beyond having a further inquiry. Inquiries are all well and good, but governments need to be equipped with the answers and tools they need to deal with intractable problems.

This is not a new problem. The Government identified this as a problem in its first educational press release from a National Party Minister—the party that is represented also by the current education Minister. What we have seen in this term of office is not only has the Government let down our students and country New South Wales but also that it continues to this day. It is a continued failure by the National Party, a consistent theme through National Party Ministers in the Education portfolio. We do not want to know what inquiries are underway. We want to know what concrete action the Government is taking. The Minister has outlined a range of teacher retention strategies. Beyond that, what are the concrete measures the Government proposes to take to lift its game and lift the standards for our children? We are letting our children down and that is not nearly good enough.

### CARBON EMISSIONS TARGET

**Mr JUSTIN FIELD (13:17:41):** I take note of the Government's answer to the Hon. Rod Roberts' question. I found it quite curious to hear the Leader of the National Party and Deputy Premier, John Barilaro, talking in a negative way about the Government's net zero emissions target by 2050 and the suggestion that that would have a devastating impact on agriculture in this State. It was curious to me because from what I can see—and far be it from me to give the Government a better answer to this question—the peak bodies for agriculture in Australia are backing calls for a net zero emissions target by 2050.

They are doing that because the impacts of climate change are having a devastating economic effect on agriculture in this State. The opportunities for agriculture by taking advantage of action are significant in terms of alternative revenue sources on farm, whether that is through soil carbon, sequestration or revegetation of the landscape or in renewable energy that will be placed on agricultural land. I encourage the honourable member who asked the question to look at what the former Leader of the National Party in this place had to say on this issue in an opinion piece in *The Sydney Morning Herald* this week. He was championing the opportunities for agricultural and regional communities in the Government's target.

I congratulate the New South Wales Government on adopting the target. I believe it has been a long-term position put forward by the New South Wales Opposition and the Federal Opposition. The approach we should all be taking is finding a consensus to finally settle this question, put a target in place and give the country, businesses, agricultural businesses and communities a direction in which to head. By doing so, we can set this country on a path towards taking serious action on climate change and agricultural communities and agriculture will be the better for it.

### SCHOOL STUDENT ASSESSMENT RESULTS

#### NSW WOMEN'S WEEK

**The Hon. PENNY SHARPE (13:19:46):** I take note of the answers given about education, in particular, and Women's Week. I have listened very carefully to the answers given by the Minister for Education and Early Childhood Learning over the past two days and I respond to them in this way. In State Parliament and in State services one could argue that there is no more important thing we do than deliver quality education to students. That is what the majority of parents who send their kids to public schools want to see. We can continue to hide behind a list of programs addressing problems but it is clear that since 2011, and probably earlier, there have been issues with declining performance.

I actually think the Minister does well by trying to answer the questions. My problem is that she is not answering the questions; she is just reading the notes from the department. We see that in this House and we see it in estimates hearings and in most of the other work we do that involves questioning public servants. We say to them, "We have a problem. How are you solving it?" They say, "We have a program for that." Tick. What we do not get to is the point, which is that that approach is failing. We are failing kids. The Minister talked about the 2014 rural and regional strategy. That strategy is six years old. The Minister cannot pretend that somehow that is addressing the decline in performance by our kids in rural and regional areas. We have a Rural and Remote Network program, which involves a few schools in a bit of a pilot program but the program never gets rolled out anywhere.

This week there has been nothing in the Minister's answers to say, "We are going to the root cause analysis of what is going wrong and we are actually addressing it." Instead, we are just flooded with a list of programs that are not monitored. In all the resources referred to by the Minister today, we do not know how many of those schools have taken up the resources and whether the programs are being rolled out. We have a lot of inputs but we have nothing that is supporting rural and regional students or kids in science literacy. In my view, a State government has one job: to control our economy and our wellbeing. As the Hon. John Graham said, our ticket to a better future is a good public education system. We cannot continue to ignore that.

The other issue I raise is Women's Week. The Minister for Mental Health, Regional Youth and Women answered a question about Women's Week. It is all very good to celebrate women's achievements; no-one would argue with that. But the Minister did not mention that one woman a week is being killed by her partner or others. We are not focusing on the decline in resources and cuts that have been made to services that support women who are escaping violence in this State. That is an absolute disgrace.

### AUSTRALIAN MUSEUM RESEARCH INSTITUTE

#### SCHOOL STUDENT ASSESSMENT RESULTS

**The Hon. WALT SECORD (13:22:47):** As the shadow arts Minister and shadow Treasurer, on behalf of the Opposition I heartily congratulate Dr Rebecca Johnson, who is currently the Director of the Australian

Museum Research Institute, on being appointed to a prestigious position at the Smithsonian Institute. I also express the Opposition's disappointment that a highly intelligent and widely respected individual is going overseas. We hope that one day Dr Johnson will return to Australia and take up a senior position here.

I turn now to what has exercised the minds of Opposition members and crossbenchers. I note a question on this issue was asked also by the Animal Justice Party today, which shows that interest in this topic is creeping across the entire Chamber. I refer to this Government's poor response to questions relating to education. The Leader of the Opposition cited the very first press release issued by the incoming Government nine years ago—10 budgets ago—when New South Wales ranked ninth in the world and rural and regional areas fortieth in the world in educational excellence. There is an old Scottish saying: Things are never so bad that they can't get worse. It is such a situation in New South Wales.

In 2018 the Programme for International Student Assessment results were: first, China; second, Singapore; third, Macao; fourth, Hong Kong; fifth, Estonia; sixth, Japan; seventh, South Korea; equal eighth, Canada and Taiwan; tenth, Finland; and eleventh, Poland—New South Wales is even behind Poland—twelfth, Ireland; thirteenth, Slovenia; fourteenth, United Kingdom; fifteenth, New Zealand; equal sixteenth, Netherlands and Sweden; eighteenth, Denmark; nineteenth, Belgium; and there we are, twenty-first, Australia.

**The Hon. Sarah Mitchell:** It is a national issue. You are right.

**The Hon. WALT SECORD:** New South Wales is at the bottom of the nation. So the situation is even worse than we thought. We thought this Government would have taken the opportunity afforded over the past three days—

**The Hon. Sarah Mitchell:** You didn't ask me any questions on it today.

**The Hon. WALT SECORD:** We devoted yesterday and the day before to questions and we thought you would come into this Chamber with more explicit examples.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Order! Members will not engage in conversation.

**The Hon. WALT SECORD:** We thought you would talk about explicit examples rather than tiny pilots.

**The Hon. Sarah Mitchell:** I did. I talked about everything. They were not tiny pilots. They are wide programs we are rolling out.

**The Hon. WALT SECORD:** We thought you would talk about wide, explicit programs.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The education Minister will come to order.

**The Hon. WALT SECORD:** This is about educating and preparing the next generation of Australians for the jobs of the future. That is what is needed to continue the prosperity that has occurred here for 28 years. The Minister is putting that in jeopardy by her failure to invest in education systems. I thank the House for its consideration.

### CARBON EMISSIONS TARGET

**The Hon. ROD ROBERTS (13:25:42):** During this take-note debate I will focus on an answer to my question given by the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Hon. Don Harwin. I say "an answer" with tongue in cheek. For the purpose of illustrating my point, I will repeat part of my question. I said, "Given these concerns, what is the Government doing to guarantee the viability of agriculture and mining in New South Wales?" We all listened to the answer of the Minister as he waxed on lyrically about what the Government is doing about green energy and climate funds et cetera. Not once in his answer—I repeat, not once—did he mention the words "agriculture" or "mining". I think it was a pretty poor attempt to avoid answering a question that is obviously causing embarrassment to this Government because of its internal ructions.

### SCHOOL STUDENT ASSESSMENT RESULTS

**The Hon. MATTHEW MASON-COX (13:26:46):** I am reluctant to participate in this take-note debate because the Minister for Education and Early Childhood Learning needs no support from me. But some of the unfair characterisations made by members opposite in relation to answers given by the Minister on a number of fronts during today's question time and previously warrant a response from the Government side of the Chamber rather than hearing more of the same from the Opposition side of the Chamber. I thought the Minister responded comprehensively to the questions asked of her today and over previous days. Indeed, she pointed to the programs in the education department that are in place to address the issues raised by members of the Opposition.

Let us not forget that this is a very important issue. I think that is agreed by members from all sides of politics. The reality is that it is a very intractable problem. We all want to see better results in our education system. We want the best for our children. It is incumbent upon the members of this place to work together to achieve that end. I think it would be wise for the Opposition to offer some constructive ideas and a constructive approach and look to adding value to this debate. Having been involved in a very important report on education that was published recently by Portfolio Committee No. 3 under the chairmanship of the Hon. Mark Latham, I know that the Government will respond in due course to a whole range of ideas in that report. There is also the Professor Masters review of the curriculum, to which the Minister referred.

Education is an active area of engagement for this Government. I know that the Minister and the Premier are committed to reforms, particularly this year, to ensure that this Government drives outcomes in the education sector. The Government will consider those reforms from a budgetary point of view as well, rather than being caught up in input-based funding. The Government looks at how outcomes can be driven and how best practice can be implemented in our school system so that results are achieved instead of education being an area that does not get the attention it deserves. It is incumbent upon Opposition members to adopt a constructive approach, stop trying to score political points and actually do what is in the best interests of the students they are meant to represent in this place.

### SCHOOL STUDENT ASSESSMENT RESULTS

**The Hon. ANTHONY D'ADAM (13:29:50):** I take note of the answers given today by the education Minister. Yesterday we heard that one of the problems that students had was applying knowledge, but I think the New South Wales Government has a similar problem in terms of applying the lessons that need to be learned. This Government has had nine years to look at international best practice, but the Minister could not identify a single measure from overseas best practice that has been implemented here in New South Wales. That is a major problem.

I particularly take note of the Minister's answer in relation to my supplementary question regarding specialist teachers in maths and science. It seems to be a good initiative, but one of the problems we have is that the Minister was not prepared to give a guarantee that people who are investing their time and effort in this training would actually get a job in the system. We have many teachers in the system who are languishing in temporary forms of employment. If we want to retain teachers, we need to give them certainty of employment so that they are prepared to make an investment of their time and energy. We have a problem. We have had years of decline, but there are lessons to be learned. The bells are ringing to warn us that the Minister still seems to be in a playground. She needs to get to class.

### SCHOOL STUDENT ASSESSMENT RESULTS

**The Hon. COURTNEY HOUSSOS (13:31:45):** In question time today Labor asked a series of questions about the disparity in educational outcomes between rural and regional students and city kids. I asked a supplementary question: Will the Government consider expanding incentives, including financial incentives, to regional centres—places like Dubbo, Griffith and Wagga Wagga—that also have serious trouble attracting and retaining teachers? In response, again we heard more motherhood statements from the Minister: "I will look at it", "This is a priority" and "This is a national problem that we are trying to confront." The Hon. Matthew Mason-Cox has just accused the Opposition of not being constructive, not offering ideas. He said that we need to come together to provide solutions. Two days in a row we have provided at least two really simple solutions. First, let us provide some financial incentives to regional areas to attract and retain teachers.

Yesterday we suggested counting where we need our specialised maths teachers in rural and regional areas. Instead, the Minister is stubbornly refusing to acknowledge our suggestions, when even the most simple solutions are suggested by members on this side of the Chamber. This is not a new problem. As the Leader of the Opposition outlined today, this problem was highlighted by the Minister's colleague in The Nationals and former education Minister, who held his seat for six long years. It is not just the Liberal Party that has presided over this decline in educational standards. It is The Nationals as well; members of The Nationals should hang their heads in shame at the educational outcomes for rural and regional students on their watch. Those students, on the watch of The Nationals, have gone backwards in an absolutely embarrassing way. We are not even reaching the OECD average, and rural and regional students are amongst the most disadvantaged students.

New research came out over the parliamentary break—maybe the Department of Education can write a briefing paper on this research for the Minister, which might save our schools. The research showed that students in our most disadvantaged schools are 10 times more likely to have their education hindered by chronic teacher shortages than students in wealthier schools. They are five times more likely to be taught by a teacher who is not qualified in the subject that they are teaching. This disparity makes Australia amongst the worst in the world for student outcomes. We are leaving our rural and regional kids behind in a way that should make members of



The Nationals ashamed and embarrassed. They should have more to say than that there are 117 teachers who are appearing in some maths and science specialisation. There are 2,100 public schools in New South Wales. It will take 18 years for this program to be rolled out so we even have one specialist teacher in each school. Our rural and regional kids deserve better than this. [*Time expired.*]

### SCHOOL STUDENT ASSESSMENT RESULTS

**The Hon. ROSE JACKSON (13:35:00):** I also take note of answers given by the education Minister, who, as has been noted, spent quite a long time acknowledging the problem. She acknowledged that it was a top priority and acknowledged that our tumbling education standards keep her up at night. She indicated that she is very concerned about our plummeting education standards.

**The Hon. Sarah Mitchell:** I do not say that today.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Order! The Minister will have the opportunity to respond.

**The Hon. ROSE JACKSON:** She spent an inordinate amount of time admiring the problem, but very little time offering any solutions. All we get are reviews, excuses and a shopping list of programs. Reviews may have worked for Minister Piccoli in 2011, but the time for reviews and analyses has run out. We need action. We get excuse after excuse. One of the excuses we heard today and that we heard yesterday is that it is a national problem. Is that meant to make us feel better? Part of the problem is that this Government has such low standards for New South Wales. Told that we are doing badly, the Minister's response is that others are doing badly too. That does not make me feel any better. I have high standards for this State; I want the best for this State. It does not satisfy me that other people are doing badly. I expect us to be doing best.

International comparisons were also raised today by members on this side of the Chamber, who gave the example of Finland. We do not need the Department of Education to go to Finland because the architect of the Finnish system, in fact, lives in New South Wales. Pasi Sahlberg is professor of education and the deputy director of the Gonski Institute. If the Minister has met with him, why is she completely unable to offer anything she garnered from what was hopefully a useful conversation to the House in response to a specific question about what we might have learned from Finland?

The Minister raised the example of Canada, yet, as has been noted, was unable to provide any specific examples of what the Canadians were doing that we might do. This is interesting because she spent \$80,000 of taxpayer money visiting Canada in September last year, yet she seems to be unable to offer one specific thing to the House she picked up on that \$80,000 trip in the example that she raised of an international comparison. The last thing we get is a shopping list of programs. One that was mentioned yesterday was Bump It Up. This program was trialled in a number of schools, which were set a target. Almost none of those schools reached their target—and yet, on the back of that great success, the program is being rolled out statewide. These programs are not being evaluated, they are not delivering results. The people of New South Wales expect outrage and action on our education standards. They do not expect excuses. They expect better of the Minister.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:38:00):** I have to say that, yes, those opposite asked me a lot of questions today and they asked me a lot of questions yesterday and there will be more coming. That is fine; it is my job to answer questions and I am happy to do so.

**The Hon. Walt Secord:** We have estimates coming up.

**The Hon. SARAH MITCHELL:** You have had your go. When they asked me questions today, I answered them. They asked for examples of things that we are doing in terms of lifting outcomes, and I spoke about a range of programs. They are saying things like, "You are talking about pilots and trials and you are not doing enough." That does not mean that I did not give any examples of what we are actively doing to improve outcomes in New South Wales. Those opposite are also using misinformation in the debate when they use certain terminology and says things like Bump It Up was such a disaster that no schools met their targets and now we are rolling it out.

**The Hon. Rose Jackson:** Almost no.

**The Hon. SARAH MITCHELL:** Almost no is not right, because it worked and it worked well. We worked with our school community.

**The Hon. Rose Jackson:** It didn't. It was a failure.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Rose Jackson to order for the first time. This is not a conversation.

**The Hon. SARAH MITCHELL:** We found that when we set these schools targets and when we worked with them to improve their outcomes for literacy and numeracy, we saw results. That is why we are rolling it out. Not only are we rolling it out across all 2,200 public schools, but also we are expanding what they are looking at. We are moving it from just looking at literacy and numeracy to looking at things like attendance and looking at that equity slice so we can get a better understanding of our rural and regional schools and our children who come from an Aboriginal background. We are improving on what we know works. That is our job.

I refer to the comments that The Nationals should hang their heads in shame. We are proud to have the Education portfolio, because no-one understands more than us the importance of rural and remote education and what it means for our children. That is why we have the programs underway to improve outcomes. I am personally very invested in the rural and remote public system in our State through my kids. How many of those opposite can say that? None of them.

*[Opposition members interjected.]*

I will take back that comment because I note that there are some, including the Leader of the Opposition, who may be in that system as well. My point is that this is extremely important to me. It is extremely important to The Nationals. We have considerable work underway. We have programs in our schools to help lift these outcomes and there is more to do. Those opposite can ask me as many questions as they want; I am not going to get into the habit of announcing policy on the floor in this place during question time. This year will be a year of reform for education. There is a lot of work that we want to do. The Premier has made it clear that that is the case. It continues to be a priority for our Government and we will see further improvements to our school system throughout the year.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I noticed in yesterday's take-note debate and again today that repeatedly, when referring to the Minister, the terminology "she" and "her" was used. A point of order was not taken with regard to it, but I invite members to reflect upon whether their use of the terms "she" and "her"—just as "him" and "he"—is the appropriate way to refer to a Minister or, indeed, any other member in this House. It left me uncomfortable that the language was not appropriate in the House.

The question is that the motion be agreed to.

**Motion agreed to.**

#### *Written Answers to Supplementary Questions*

### **SCHOOL STUDENT ASSESSMENT RESULTS**

In reply to **the Hon. MARK LATHAM** (26 February 2020).

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

I have been advised that there is no department research project on whether "New South Wales students are not trying hard enough, on the supposition that every three years our students try with less intensity compared to past results in other States."

The Department of Education will communicate the importance of PISA to schools.

### **PARRAMATTA RIVER**

In reply to **the Hon. WALT SECORD** (26 February 2020).

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

I am advised:

There is not reliable Parramatta River flood data spanning 200 years. The City of Parramatta Council recently commissioned a flood study of the Parramatta River which contains the results of a water level gauge in Parramatta close to the site that has been in operation since 1979. During this time, there was one flood event in 1988 that was above the one in 100 year flood level.

*Documents***MINISTERIAL CODE OF CONDUCT****Tabling of Documents Reported to be Not Privileged**

**The CLERK:** According to the resolution of the House this day, I table the documents considered to be not privileged by the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 17 December 2019, relating to the Premier's rulings on disclosures under the Ministerial Code of Conduct.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I will now leave the chair. The House will resume at 3.00 p.m.

*Private Members' Statements***DOMESTIC VIOLENCE**

**Ms ABIGAIL BOYD (15:01:32):** On Wednesday last week 31-year-old Hannah Clarke and her three children were brutally and horrifically murdered by Rowan Baxter, her estranged husband and the children's father. Hannah was the eighth woman to be murdered by her partner or former partner in Australia this year, with a Townsville woman tragically becoming the ninth woman murdered, stabbed to death on Saturday. Last year 61 women were murdered—over one a week every year; a statistic that has held true year after year without improvement.

We have all seen the initial media response to the murder of Hannah and her children. Articles that prioritised platforming the career successes of a murderer and headlines that spoke about death by car fire rather than death by violent man could be found on just about every front page. This deeply disturbing trend props up the abuse apologetics we see spewed by opportunistic senators, fraudulent Order of Australia award recipients and the law enforcers tasked with protecting us. Australia has a cultural problem with domestic violence and it does not exist in a vacuum.

Prime Minister Scott Morrison spoke in the Federal Parliament condemning the abuse of Hannah and her children and asking, "How does such evil happen on our land?" Such evil occurs because consecutive governments like his, and indeed this Government of New South Wales, do not consider the ending of domestic violence a high enough priority to warrant the loosening of their purse strings. In New South Wales the Government pays lip-service to the importance of domestic violence services while failing to deliver meaningful change, instead shuffling money from one pot to another and calling it a funding increase. The reality is that this just would not be happening on the watch of a government that prioritised the safety of women and children.

At the Federal level last year the Coalition Government claimed that ending domestic violence is one of its top priorities, only months before it completely defunded the National Family Violence Prevention Legal Services Forum, the national peak body supporting Aboriginal and Torres Strait Islander victim-survivors of domestic violence. On Monday Scott Morrison said, "Everything we have done across this country to protect women and children didn't protect Hannah and her children from this evil." It is not easy to find the right words to speak to the lives of women and children murdered but it has proved easier for countless governments to do this than to find the money to save those same lives.

The platitudes of consecutive State and Federal governments are killing women and children. We cannot accept empty words in the place of meaningful action. The domestic and family violence epidemic requires serious funding; serious attention from a single, dedicated section of this Government focused on both prevention and providing the services that women need when they are fleeing their would-be murderers; and serious, well-funded efforts to change our culture in Australia.

**KARUAH POLICE STATION**

**The Hon. TAYLOR MARTIN (15:04:27):** On 1 November last year I joined the NSW Police Force Assistant Commissioner Max Mitchell, Port Stephens-Hunter Police District Commander Acting Superintendent Tracy Chapman, APM, and the member for Port Stephens to turn the sod on the rebuild of the Karuah Police Station. Karuah Police Station will be the first station delivered under the Regional Small Police Station Program. Tea Gardens, in the Port Stephens electorate, is also being updated. I was joined that day by the member for Port Stephens, Kate Washington, who was more than happy to help turn the first sod on construction. This is why I was so surprised to read in *Hansard* a contribution she made in the other place yesterday, criticising the building's wooden cladding. That is right: The member for Port Stephens' criticism of the new police station is that she does not like the look of it.

The new station is a sustainable, modern premises that enables police service delivery whilst focusing on accessibility, visibility and mobility of policing. The new police station will feature an interview room, a secure

detainee area, a public counter, a storage area and off-street parking for police vehicles. The project is ahead of schedule. I look forward to joining the police Minister to officially open the station in due course. Unlike those opposite, this Government refuses to leave the people of the Hunter behind. This Government is building for the future.

As I mentioned earlier, Tea Gardens Police Station is also being upgraded under the program. That project will deliver a refreshed workspace with upgraded information technology, security and amenities in the existing building as well as a new modular unit permanently attached to the existing police station building. The use of modular construction methodology minimises interruption to operational policing, with on-site activities completed in a fraction of the time they would otherwise take. Offsite components for construction including early works have commenced, as has been reported. Onsite activities commenced in January 2020. The upgrade works are expected to be complete by the middle of this year.

Once completed, Tea Gardens Police Station will help our police better serve the local community and continue to drive down crime across the Hunter. Our police officers are out there on the front line 24 hours a day, seven days a week, protecting the community. It is our responsibility to ensure they have the resources and support they need to get the job done and that is exactly what the Berejiklian Government is doing all over New South Wales. That is because this is a government that prioritises substance. And after nine years in opposition, the best that the local member has to criticise is how the wooden cladding looks.

### COOPERATIVE BUSINESSES

**The Hon. MICK VEITCH (15:07:12):** Cooperative businesses and organisations are an important component of the New South Wales economy, especially in our regional and rural areas. They often fly under the radar in this place as quiet economic achievers focused on long-term benefits for our citizens but their role can also be crucial in keeping our local communities united and viable. Co-ops have the only business and organisational structure with a globally agreed and locally legislated set of principles on how they should operate democratically, independently and with concern for their community. Members own and control their co-ops, giving them a local and long-term focus.

In the context of the devastation of much of our State in the recent bushfires, today I will highlight a few examples of the wonderful role our co-ops have played in helping to save and rebuild some of our shattered towns and areas. All are aware of the firestorm that swept through Cobargo on the far South Coast on the last day of 2019, killing three people and destroying dozens of building and homes in the area. Few are aware that the 120-year-old Cobargo Co-op, itself lucky to survive the fire, opened its rural supplies store on the main street—still without power two days later—to ensure that its community could access much-needed products for shelter and begin the rebuild. The co-op has also now raised almost \$30,000 through online fundraising for the rebuild.

Bowral Co-op, another rural supplies co-op, has been coordinating donations to its members and held a huge Bush Fire Appeal Day last Saturday. The Ulladulla Fishermen's Co-op provided free ice to locals and visitors who were sheltering in the town during the fires. Some of our larger co-op businesses have made significant donations to BlazeAid, including Hastings Co-op based in Wauchope and the Northern Co-operative Meat Company in Casino. Co-operatives themselves have been devastated by the fires.

A brand-new cooperative in my home town of Tumut, the Tumut Region Producers and Makers Co-op, had just launched its new shop when the fires hit. Its members have lost houses, orchards and hives. It has been a big setback. The cooperative will survive, though, and provide a permanent space for many small producers in Tumut to sell their products. Furthermore, cooperatives can be a fantastic and very effective vehicle for the recovery. The democratic and principled structure requires active membership and also provides a great basis for communities and businesses to work together to recover and thrive into the future. I urge the Government to ensure that any financial aid and support extended to bushfire-affected small businesses also finds its way to our important co-ops. It is vital that they have access to those important funding streams so they can contribute to their local communities.

### SPECIAL COMMISSION OF INQUIRY INTO THE DRUG 'ICE'

**Ms CATE FAEHRMANN (15:09:59):** I have before me a very important report that the Government has just released. It is the report of the special commission of inquiry into crystal methamphetamine and other amphetamine-type stimulants, or ice, which Special Commissioner Dan Howard, SC, has been inquiring into for the past 14 months at the request of Premier Gladys Berejiklian. We were going to debate the report this afternoon. I understand the motion was going to pass and, in fact, the report was going to have to be released on Monday. I welcome the Premier recognising that and releasing the report today. The 1,400-page report contains excellent recommendations around how to deal with drug harm in New South Wales; unfortunately, the State Government has already come out with a measly three-page response. The foreword to the inquiry's report says:

This Inquiry has been able to make informed recommendations based on evidence of great integrity, gathered from the sworn testimony of witnesses in public and private hearings, from public and private submissions, from roundtable hearings, from requests for information issued to government agencies and other groups and bodies, and from enforceable summonses to produce documents and to provide evidence.

Some of the recommendations are what the Government feared and did not want to listen to, including that it should introduce drug-checking services, which is also what the Deputy State Coroner found last year when she looked into music festival deaths. The commissioner has found, based on all the evidence, that the Government needs to introduce a system of decriminalisation if it is going to stop drug deaths in New South Wales. The report also found that the Government needs to stop the system we have of harassing people at music festivals and public transport stations with drug-detection dogs. Instead, in its three-page response the Government says:

The Government has consistently stated its position on a number of matters, set out below, and this will not change.

That is despite the fact that Premier Gladys Berejiklian asked a commissioner, Professor Dan Howard, to look into drugs and make recommendations about how to stop people from dying from amphetamine-type stimulants. We have the worst rate of dependence in the world, the numbers of deaths are increasing and the Premier has issued a statement saying that she will not take on board the key recommendations. Shame.

### FAIRFAX PUBLIC SCHOOL

**The Hon. SAM FARRAWAY (15:13:05):** On a recent journey to our State's north-west I visited the community of Maules Creek and met with the teachers at Fairfax Public School, which is a unique educational facility situated amongst farming and grazing paddocks 43 kilometres east of Narrabri and 39 kilometres north-east of Boggabri. It was quite an adventure as it had been raining heavily for a few days. The paddocks were green and the creeks were flooded—we even had to drive through a flowing creek that had not been seen for quite some time. There was no missing Fairfax Public School, with its bright and colourful signage that was recently installed through student initiative. Fairfax is a small school, with only six students ranging from grades 1 to 6, but boy does it punch above its weight when it comes to passion and a sense of community.

I joined Blake, Eileen, Chelsea, Molly, Grace and Jackson in the playground during lunch. They shared with me what they had worked on to improve their local school and what they hoped they could do in the future. That included the new signage, a kitchen garden, a giant chessboard, colourful decorations throughout the grounds and a roof over some of the play area so that they could still go outside in rain or heat. I could tell how much these kids loved going to school, as well as the respect they had for their teachers and the environment. It was also a pleasure to meet their new teacher, Martine, who hails from Manly. Martine came to the Fairfax school through the Rural Experience Program—and she is having a real rural experience. Martine has seen severe drought and floods just a few months into her new position, but she is loving it at Fairfax. It was clear to see that the kids and the community have embraced her.

Di, the principal, is doing an amazing job of guiding the children through their education whilst also engaging with local community members. As members from the regions know, these schools mean so much more to their communities than just a place of education. Over the years Fairfax has provided a haven for kids and adults alike, through tough times and good. The community comes together at the school to celebrate achievements and hold community services for events such as Anzac Day. I look forward to catching up with the students of Fairfax Public School in Sydney in the coming months. I thank the students and Martine as well as Di, the principal, for inviting me to their great school and for showing me all the amazing things they have done. I look forward to seeing Fairfax Public School thrive into the future.

### WOMEN

**The Hon. ROSE JACKSON (15:15:38):** Today I pay tribute to three groups of women. The first are the victims and survivors of family violence, in particular Hannah Clarke and her family, Laianah, Aaliyah and Trey. Of course, Hannah and her beautiful children are not survivors; they were killed by a violent and evil man whose name I will not mention. He will be erased, isolated and condemned; they will be honoured and remembered. We will honour them by ensuring that we, the whole community, do everything we can to keep other women in violent and controlling relationships safe—women who are petrified when they see stories like Hannah's reported in the media and who think, "If I leave, will this be me? How will I protect my children?"

This requires funding for safe places for women to go, police resources to ensure that when they identify themselves as victims they are offered protection, and a justice and family law system that has the safety of women and children as a foundational element. I acknowledge and honour Hannah and her children. I recommit myself to never remain silent, to always condemn violence and to ensure political leadership on issues that women need and expect to protect their safety.

The second group includes Miriam Haley, Dawn Dunning, Annabella Sciorra, Tarale Wulff, Lauren Young and other witnesses and victims of the sexual predator Harvey Weinstein. Weinstein used his position of power in the entertainment industry to abuse women in the most blatant, consistent and outrageous ways. It is difficult for women to speak about and report sexual assault. It is difficult in the extreme for women to speak about and report sexual assault against someone as powerful as Harvey Weinstein. The conclusion of this disgraceful saga, which spawned the Me Too movement and an international conversation about male entitlement, sexual harassment and women's equality, is the vindication of the courage of those women. It serves as a reminder that the arc of justice does indeed bend towards history.

The final group is a smaller one, just two women who are friends of mine and who are homegrown, kick-arse feminists: Georgia Kriz and Lucy Saunders. Georgia was the first respondent in a recent defamation legal case heard in the District Court. Lucy was her lawyer. The case revolved around an article Georgia wrote as a student journalist at the University of Sydney in 2015. The article made allegations that an unnamed former member of the University of Sydney Senate sexually harassed a number of female students. For being a journalist reporting sexual harassment on an unnamed person, Georgia was targeted. She was subject to the most vexatious legal proceedings, which dragged on with re-pleads, numerous amended statements of claim and extended in- and out-of-court proceedings. She is not wealthy—we had to crowdfund her legal fees—but she stayed strong, she did not give up, she did not apologise for reporting what was true, she did not settle and yesterday she won the case. Thank you, Georgia. You are vindicated. You are our hero.

### BUSHFIRES AND WILDLIFE

**Mr JUSTIN FIELD (15:18:51):** The impacts of this season's fires on our forests and wildlife has been truly immense. Some of the most heartbreaking imagery has been areas of beautiful old-growth rainforest—some of which had never, ever burnt—burning for the first time, along with wildlife. Few will be unable to forget the images of koalas burnt and struggling out of the forest, seeking water and help from people. A billion animals were killed. Many were burnt, while others escaped the forest only to be left with no food or water.

On the South Coast people reported that animals came out onto the beaches with them to avoid the flames. Last weekend I went for a walk out the back of my place at Manyana. I saw a bit of green growth coming in on the trees, but also the remains of some flying foxes that had probably succumbed to the smoke, fallen to the ground and burned on the forest floor. That is everywhere down there. Over the last little while I have been maintaining some food and water in the Narrawallee Creek Nature Reserve, which is not far from Conjola Park. I went and collected those things now that there is water in the landscape. There was not a mark near the stations. There were no scratchings on the ground, no footprints or scats. There were some ant nests around and plenty of mosquitos in the forest, but nothing else. I have never been as scared as I was when standing in a forest and hearing absolutely nothing. This recovery is going to take a very long time.

I acknowledge the work of the many people who have rescued injured animals, at times having to show them mercy by putting them out of their misery. People have spent countless hours—tens of thousands of hours—rescuing, feeding and protecting those animals. But it is a very long game that we have to play. We are as reliant on healthy forests as animals are, and we are still at risk of losing more forests. Now from a habitat and biodiversity perspective, as well as a carbon storage perspective, every tree counts. But on the South Coast active logging continues in our forests. I was in an area of previously logged forest and there was slash that was piled metres high running alongside the highway and some of the last unburnt national park at Murramarang. We are still risking the loss of more forest with our bad practices. We need to do something about that. In Manyana, where I saw the dead flying foxes, there is one patch of beautiful forest remaining in the town, but it is at risk of being cleared in the next few months to make way for 178 homes. It is the only patch of bush left anywhere close to those towns. We need to change our thinking because things have changed.

### BALMORAL VILLAGE RURAL FIRE BRIGADE

**The Hon. LOU AMATO (15:21:38):** The bushfires have been extinguished and as we enter the rebuild phase after such a tragedy I thank those who risked their lives in service of the community. We owe a great debt to our volunteers in the Rural Fire Service for their courage, service and commitment to the people of New South Wales. We are immensely proud of them. I am honoured to personally know many of the crew at Balmoral Village Rural Fire Brigade. I make special mention of the Balmoral Village RFS, who served their local community above and beyond even the most critical of expectations.

Balmoral Village was hit hard by what can only be described as a firestorm that descended from multiple directions. As a resident of Balmoral Village, I can attest that the burning inferno that approached the village was like nothing ever seen before. At one stage the situation got so out of control the only survival option left for our Balmoral Village RFS was to bunker down at the station and activate the sprinkler system as the firestorm converged upon them from all sides. The situation was so dire that those trapped in the station, regardless of their

religious beliefs or affiliations, prayed together. Fortunately, their prayers were answered and they escaped unharmed.

I thank all our RFS volunteers and, in particular, the following members of the Balmoral Village RFS brigade: Captain Brendon O'Connor, Senior Deputy Peter Lawrence, Deputy Peter Williams, Deputy Scott Marks, Jay Rasmussen, Tracey Lawrence, Stephen Manson, Michael Lawrence, Peter McCutcheon, Glen Greenup, Elisa Flemming, Warren Davis, Michelle Flemming, Andrew Johnston, Mathew Eyles, Russell Scholes, Oran Papierniak-Malone, Greg Walker, Lorann McCann, Tracy McCutcheon, Amy McCutcheon, Megan Herrera, Victoria Herrera, Jack Pound, Peter Richer, Debbie Padroth, Gemma Small, Wendi Elliott, Robert Cunningham and Paul Mallia.

#### TAFE NSW

**The Hon. TARA MORIARTY (15:24:09):** Over the past decade the Liberal-Nationals Government has gutted one of this State's greatest institutions, TAFE NSW. Due to staff cuts—with 5,500 fewer staff in the system in the past eight years or so—and a reduction in the amount and type of available courses and increased fees, there has been a significant drop in TAFE enrolments, with 175,000 fewer students enrolled. This has led to severe and long-term skills shortages across New South Wales. This week the Liberal-Nationals Government proposed the introduction of a Higher Education Contribution Scheme-style scheme for TAFE students, or at least an inquiry into a HECS-style system, which would put our skilled workers under even more pressure. We know that TAFE students predominately start off on very low wages, with some on minimum wage over the years they progress through their courses. For many, due to the nature of some of the work performed, wages do not rise substantially even when they are qualified.

The idea of pushing low-paid workers into a scheme where, even when qualified, they will have a large debt to pay back is unfair and will leave people financially behind for far too long. We have a skills shortage in New South Wales. We have a problematic lack of skilled workers in many growing industries across the State, especially the ever-growing services industry. We have a problem attracting people to work in some of those industries and need to do more to invest in the workforce and encourage people to work in it. It is not that people do not want to learn skills and trades and earn qualifications; of course they do. We need to ensure that a strong TAFE sector is available and accessible without shifting the whole cost burden to already low-paid workers. Young people and families are already under financial pressure. Wages have flatlined and the cost of living is rising. We cannot have a situation where workers feel less inclined to upskill because they simply cannot live on low wages for long periods.

It is not an unwillingness to learn and gain skills but the increasing fees, low wages and a lack of access to local courses that cause people to feel that training is less of an option for them. Everyone in New South Wales deserves the opportunity to upskill, learn and succeed. TAFE is good for individuals and is good for the economy. It is simply not good enough that because of your postcode or your financial situation you may be left behind. For example, in the Southern Highlands and Shoalhaven area the youth unemployment rate is 22.8 per cent, well above the State average of 10.1 per cent, and the overall unemployment rate is 8.5 per cent, again well above the State average of 4.5 per cent. These communities need and deserve a well-functioning and accessible TAFE system so that generations of young people can have the chance to learn skills for life and local businesses can find local staff with the skills they need to be successful.

I call on the Government to rule out the privatisation of our TAFE system, reject the idea of a HECS payment scheme for TAFE and invest in TAFE across New South Wales. For too long, this Government has put TAFE to the side and ignored the needs of the community. It is time we invest in our people and provide them with the right resources and training to upskill for the future.

#### ANIMAL BAITING

**The Hon. EMMA HURST (15:27:09):** This Government's decision to drop one million 1080 baits across New South Wales is killing our native wildlife. In a letter signed by 24 scientists from across Australia, experts highlighted how this appalling plan poses an unacceptable risk to native carnivores, including quolls, dingoes and monitor lizards, all of which have already been impacted by the catastrophic bushfires. To add to their threat to survival is unconscionable. The 1080 bait is not only incredibly inhumane—causing any animal unfortunate enough to ingest it to vomit, shake, scream, spasm and writhe in excruciating pain for up to four days before dying—but also indiscriminate in the carnage it creates. Anybody who claims to be dedicated to protecting native animals must hear this: Extensive research has shown that native species are not immune to 1080 and are especially vulnerable to the poison in south-eastern Australia.

Not only are native animals at extreme risk of being poisoned by the 1080 baits dropped in their thousands across our national parks, but it was also revealed in the letter received by all members that these animals are

being deliberately targeted. Dingoes—animals that have lived in Australia for more 4,000 years—are being baited and killed under the guise of being "wild dogs". Last year the University of New South Wales published research that revealed that the majority of dingoes killed in our State are genetically pure. If people are serious about taking action to protect native animals and threatened species, they will support our call for a moratorium on the activities that are really threatening native animals such as logging, deforestation and the right-to-harm native animal permits that are all still currently active despite the enormous loss of more than a billion animals in the bushfire season.

As Australians remain distraught over the unprecedented number of wild animals that have perished in the past month, it is time to look towards a kinder and more humane option. Now more than ever we need to be looking at the latest ecological research to find new, sustainable ways to manage the relationship between humans, native animals and non-native animals in the wild. Ecologists are increasingly recognising that eliminating non-native species, particularly those that have been around for many years, can be counterproductive. Demonising non-native species ignores some of the benefits that these animals can bring to ecosystems and, conversely, some of the unintended harm that might occur if they are suddenly removed—particularly in this fragile, bushfire-ravaged environment. Making rash decisions to kill animals, fuelled by green xenophobia, is not the answer.

### SHADOW CABINET

**The Hon. JOHN GRAHAM (15:30:23):** Tomorrow the shadow Cabinet will head to the upper Hunter in the latest of its travels around the State to consult with citizens. My friend and colleague the Hon. Mick Veitch has spoken about one of our latest visits to the fire-affected community of Tumut at the invitation of the mayor. I understand a similar invitation was extended to the Government. We found it very useful to look around and to see the Tumut Airport, in particular, which on the worst day of the fires was the origin of 65 flights to drop water in an effort to contain the flames. Each of those flights took off just two-thirds full because of some of the limitations on that airport. The shadow Cabinet is part of a very valuable process. We will make another visit tomorrow ahead of our country conference on the weekend. I have been recalling some of my favourite country conference moments with the Hon. Rose Jackson. It starts again tomorrow and I look forward to the event.

### *Business of the House*

### WITHDRAWAL OF BUSINESS

**Ms CATE FAEHRMANN:** I withdraw private members' business item No. 444 outside the order of precedence standing in my name on the *Notice Paper* for today relating to an order for papers concerning the final report on the results of the Special Commission of Inquiry into the Drug 'Ice'.

### *Documents*

### TRANSPORT ASBESTOS REGISTERS

### Production of Documents: Further Order

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

That private members' business item No. 437 outside the order of precedence be considered in a short form format.

### Motion agreed to.

**The Hon. MARK BUTTIGIEG (15:33:06):** I move:

- (1) That this House notes that:
  - (a) on 14 November 2019 a motion for an order for papers was passed in the Legislative Council requiring the production of, among other documents, "all asbestos registers held by Sydney Trains, NSW Trains, State Transit, Sydney Metro and RailCorp", "all legislative compliance registers held by Sydney Trains, NSW Trains, State Transit, Sydney Metro and RailCorp" and "the health monitoring records for exposure to asbestos for Sydney Trains employees";
  - (b) the documents returned to the Clerk of the Parliaments on 5 December 2019 did not include any of these registers; and
  - (c) in correspondence dated 5 December 2019 and addressed to Matt Richards, Acting Executive Director, Legal, the Department Premier and Cabinet, Mr Rod Staples, the Secretary of Transport, stated, "As noted in previous responses to Order for Papers directed to the Department, references in an order to the Department of Transport will be understood as meaning a reference to the Department of Transport only."
- (2) That this House notes that:
  - (a) inadequate responses to orders for papers, as with inadequate answers to questions, is a growing concern that is undermining the ability of this House to hold the Government to account, especially in relation to the Transport cluster; and



- (b) the 2019 changes to the machinery of government and a lack of clarity regarding the responsibilities within the Transport cluster have frustrated efforts to obtain information and documents necessary to examine actions and decisions of this Government.
- (3) That, under Standing Order 52, there be laid upon the table of the House within six days of the passing of this resolution the following documents in the possession, custody or control of Transport for NSW, Sydney Trains, NSW Trains Link, State Transit, Sydney Ferries, RailCorp, and Sydney Metro:
  - (a) all asbestos registers held by Transport for NSW, Sydney Trains, NSW Trains Link, State Transit, Sydney Ferries, RailCorp, and Sydney Metro;
  - (b) all legislative compliance registers held by Transport for NSW, Sydney Trains, NSW Trains Link, State Transit, Sydney Ferries, RailCorp, and Sydney Metro;
  - (c) the health monitoring records for exposure to asbestos for Sydney Trains employees;
  - (d) the health monitoring records from 1 January 2012 for all Transport for NSW, Sydney Trains, NSW Trains Link, State Transit, Sydney Ferries, RailCorp, and Sydney Metro employees exposed to asbestos;
  - (e) all correspondence, reports and briefings, created since 1 January 2018, relating to any asbestos register or legislative compliance register within Transport for NSW, Sydney Trains, NSW Trains Link, State Transit, Sydney Ferries, RailCorp, and Sydney Metro; 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.
- (4) That documents returned to this order be redacted to remove any identifying personal health details.
- (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.

For their benefit, I inform members that this is the second time this order has been put before the House. I understand my colleague the Hon. John Graham has previously had similar Standing Order 52 applications rejected by the House, so members might wish to consider that context. The reason a previous Standing Order 52 request was rejected was a technical interpretation of the Act that said the Minister did not have direct control over the sub-entities from which we were seeking vital information—namely, asbestos registers and health management records.

Workers in the rail sector, in particular, rely on that information in order to tell when they are in environments that are not conducive to their good health. In other words, they are able to say, "The place is riddled with asbestos. We need to know where the asbestos is and we need to know what our exposure is and whether we are going to be covered down the track if anything comes of it." We have had to rephrase the Standing Order 52 application in order to specify the sub-entities that the Minister apparently does have control over so that it would be accepted. It is clear under the Act that the Minister does have direct control, but we are not going to quibble with that. We got advice from the Clerk to say that the technicality was correct, so we have resubmitted the application.

I will give members some background. The unions in this sector, particularly the Electrical Trades Union but also the Rail, Tram, and Bus Union and others, have been asking for these things for about two years. All we get from State rail and the sub-entities associated with the Transport cluster is obfuscation such as, "We haven't got the register" or "We might have part of it" or "It's going to take 600 hours' worth of resources to provide the registers." These documents are required by legislation to be present so that if I turn up to a site I can look at a spreadsheet or a register and say that this site has got asbestos and we need to do A, B and C to deal with it. For example, we may need to wear protective equipment, get the asbestos removed, stop work or whatever it may be. However, workers cannot do those basic things. They do not know where the asbestos is because the employer will not tell them. They are required by law to have the registers.

The union has tried to obtain them through Government Information (Public Access) Act [GIPAA] requests and through correspondence with RailCorp and the other entities mentioned in the Standing Order 52 application. During the budget estimates process in August my colleague the Hon. Peter Primrose asked Howard Collins, the CEO of RailCorp, if he could provide them. The answer was, "Yes, we will get those to you forthwith." There has been no correspondence and no return other than a couple of scant management plans, which is not what we are after. Workers deserve to have access to the information so they can make an informed decision about their exposure to a deadly substance. It is basic stuff.

We have been through the union corresponding with the employer, the GIPAA requests, the budget estimates process and now the rejection of a Standing Order 52 application based on a technicality. I think it is more than reasonable for this House to pass this motion so that we can get hold of the asbestos registers and give the employees some comfort by the fact, first, that the registers exist; and, secondly, they are accurate so that when the employees are at their workplaces they can make informed decisions about how to deal with a deadly

workplace substance. In this day and age, with the resources we have as a modern society, we should not be putting people in situations where they do not have access to this information.

When it has been asked for through official channels, we should not have to come to this House on bended knee for the simple production of documents that are required by legislation. Let us debate the motion, but I appeal to the common sense and goodwill of members and ask that they agree with this proposition. We have been through the proper process. We do not want to make unnecessary requests and drain government resources if we do not have to; however, in this case we have been forced down that path. To be constantly pushed back by bureaucratic delay and excuses is not good enough. If we have to use the House to extract the information for the benefit of people in the workplace, we will. We have done so and will continue to do so. I ask members for their support for this reasonable request. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:38:40):** The Government opposes the motion. From the outset, I make it clear to all members that the Government recognises the right of the House to call for papers for legitimate purposes. But the Government objects to the rewriting of history in the manner that the Hon. Mark Buttigieg has just sought to do. If members of the House vote in favour of this motion—I make this point very seriously in relation to transport asbestos registers—they will be responsible for diverting critical resources away from the community, including bushfire-affected communities, for no reason other than the laziness of members opposite.

The members of this place also need to know that in order to comply with this resolution some staff at Sydney Trains, who are currently working with regulators to investigate the cause of the tragic derailment of the XPT train last week in Victoria, will now need to stop work on that project just because the Opposition is too lazy to get its drafting correct the first time. Shame on it. To suggest that there is some secret plan by the Government to prevent the House from holding it to account is absolutely untrue. Those opposite are finally waking up to the fact that their repeated lack of attention to detail in how they draft their notices of motions has meant they have failed to yield the treasure troves of documents they seem to want. It is not the Government's responsibility to do the work of those opposite for them.

The documents that those opposite requested last year from the wrong agency have nothing to do with the recent machinery of government changes. It is, however, convenient for them to mislead the House by claiming they do. Nothing has changed in the Transport cluster other than the merger of Transport for NSW with Roads and Maritime Services. The fact remains that those opposite are lazy in their drafting and have gotten their notices of motions wrong time and time again. I also make some critical points. There is a call for papers within six days. Public sector agencies with management control of a workplace are required to keep asbestos registers on site. There are hundreds upon hundreds of workplaces in the Transport cluster across the State that hold asbestos registers and other legislative compliance registers. There are also hazmat registers at each of the hundreds of Transport-owned properties across the State. In addition, contractors maintain asbestos registers at each of the thousands of infrastructure projects that the Government is delivering across the State.

I seek an extension of time.

**Leave granted.**

Turning to legislative compliance in paragraphs (b) and (e), if this is read to include all registers it could include any register under any Act and would include heritage registers, biodiversity registers, health monitoring records—and the list goes on—as well as asbestos information. These all have to be reviewed and re-identified. We are talking about thousands upon thousands of documents. It will take thousands of hours to respond to this overly broad order. To expect that all documents can be obtained and tabled within six days is quite frankly absurd. We are talking about a number of work places ravaged by bushfires, which will now be required to stop their critical work restoring and delivering services to their communities. It is simply impossible for the Transport cluster to comply within six days. Members are now on notice that any return to this order cannot be complied with in the time frame required.

**Mr DAVID SHOEBRIDGE (15:42:49):** I speak to this motion on behalf of The Greens and support the intent and thrust of the Opposition call for papers. There are few more important things than getting the asbestos register right and that it is readily available to employers and unions so they can ensure the health and safety of the workforce of all of these entities, whether it is Sydney Trains, TrainLink, State Transit Authority, Sydney Ferries, RailCorp or Sydney Metro. I will not traverse the history of why we are here. It is unfortunate that there was not more collaboration and assistance between the Government and the Opposition to get to the thrust of what was required from the original Standing Order 52 request.

If there were technical drafting deficiencies, we could have avoided a lot of these ongoing fractious debates by the Government saying, "If this is what you are intending to do, these are the entities you should address it to,

this is where the information is being held", rather than the shadow boxing that we have had between the Opposition and the Government. It is made harder by the extraordinary number of machinery of government changes to the new six super agencies that have been created. If the Government were more open and aware of these kinds of technical issues with the drafting it would avoid a lot of fractious debate. I urge the Government to engage in that process more fully in the future.

[A Government member interjected.]

I beg your pardon? Maybe I will not move these amendments, if the Government has an issue. However, we have had a look at the scope of the documents requested by the Opposition and we can see that there are some documents that are needed for timeliness. I think six days is reasonable for the asbestos registers. That should be online and readily available. If it is not, the Government has a major problem. We do not have an issue with the six days for the asbestos registers but, in consultation with both the Opposition and the Government, we suggest a number of amendments that come to a halfway solution on this. I will read onto the record our proposed amendments. I move:

That the question be amended as follows:

- (1) Omit paragraphs (3) (b), (3) (c) and (3) (d).
- (2) Insert after paragraph (3) (f) the following new paragraphs:
  - (4) That, under Standing Order 52, there be laid upon the table of the House within 28 days of the passing of this resolution the following documents in the possession, custody or control of Transport for NSW, Sydney Trains, NSW TrainLink, State Transit, Sydney Ferries, RailCorp and Sydney Metro:
    - (a) the health monitoring records for exposure to asbestos for Sydney Trains employees;
    - (b) the health monitoring records from 1 January 2012 for all NSW, Sydney Trains, NSW TrainLink, State Transit, Sydney Ferries, RailCorp and Sydney Metro; 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.
- (3) Insert after paragraph (5):
  - (6) That, at the time of tabling of the documents in (3) (a), the Government provide a report on its work plan in regard to compliance with paragraph (4) including such information as is reasonably practicable regarding the health monitoring for asbestos of the employees of the entities in (4) (b).

I seek an extension of time.

#### **Leave granted.**

I will explain what this does very briefly. In terms of the initial motion, it deletes (3) (b) because I think "all legislative compliance registers" goes well beyond the asbestos registers. There are heritage registers and a variety of others and I do not think the intent of the motion is to go beyond that. We are very clear about the asbestos register within six days. It extends the compliance period for the original paragraphs (3) (c) and (d) to 28 days. It also requires the Government to report such information as it does have about the asbestos health monitoring as well as its work plan for compliance with the balance of the documents within six days. I commend the amendment to the House.

**The Hon. ADAM SEARLE (15:47:14):** I indicate at the outset that the Labor Opposition will support the amendment moved by Mr David Shoebridge. I make a contribution in response to the Minister for Finance and Small Business. He contends there are no machinery of government changes that have impacted the original call for papers and that the problem was due to alleged sloppy drafting on our side. It is a matter of record that all members when they draft these motions take the advice of the Clerks, drawing on precedence and directing attention to the relevant agencies. It is true that in Transport there have been significant changes. In this case, there was a non-production because the name of the legal entity holding the documents was not one of those originally named in the resolution. But the Secretary of Transport for NSW, Mr Staples, has control and direction of all agencies in that Transport cluster. It was within his power to produce the documents and, if I am not mistaken, he and his Minister were two of the persons to whom the resolution was directed.

I remind the House, the honourable Minister and the Government of this point: It is in fact a courtesy of the House that we name individual departments. Executive agencies, like the Crown, are essentially indivisible. They are creations of the Executive. We could simply direct every Standing Order 52 [SO 52] request to the Leader of the Government and the Department of Premier and Cabinet as the central agency. Why? Because the Department of Premier and Cabinet is the agency to whom the Clerk writes after every Standing Order 52 request is agreed to and the Secretary of the Department of Premier and Cabinet and his office coordinate the response across the whole of government. It is a matter of courtesy that this House descends to the level of detail that it does, but if the Minister for Finance and Small Business does not want us to do that and instead hold the Leader

of the Government and the Department of Premier and Cabinet accountable to go scouring through every department and agency, that can be arranged. I urge the Government not to be stupid about this and not rely on technicalities and tricks.

Just as when the Opposition moves to invoke SO 52 and the scope of the motion is too broad members of the Government beat a path to our doors to try to negotiate, which is a sensible and prudent course of action, if the wrong agency has been named the Government could do the Opposition the same courtesy. The Opposition does not set out to misdirect a call for papers. Calls for papers are legitimate, forensic and for good public policy purposes. I urge the Government to approach SO 52s not as a nuisance but as a usual part of business, to engage with the process and to engage with honourable members around the details instead of relying on legal technicalities that will not avail the Government.

**The Hon. MARK LATHAM (15:50:16):** On behalf of One Nation, I state that we do not doubt the intent and sincerity of the Labor Opposition on this matter. The safe use of asbestos is an important issue. But listening to the debate it is clear that it would be irresponsible and untimely to divert resources from the investigation into the XPT derailment at Wallan in Victoria and from the bushfire recovery effort. I think the six-day demand is too tight and the reallocation of resources is inappropriate at this time.

I assure the House—the House knowing that in the Transport portfolio I get things done, with transport planning in western Sydney now moving in the right direction and work on the Leppington carpark beginning later this year—that earlier today I made inquiries about the asbestos register and the safety issues that are crucial in the workplace. The departmental officers told me they are doing all the right things and gave me an assurance that the issues are being resolved as quickly as possible. They are stretched because of the other inquiry matters but I take their comments at face value. I think the House can accept their assurance in the spirit in which was delivered.

Globally it has been a mixed year for the Buttigieg around politics. We are cheering on "Mere" Pete in some respects, but unfortunately because of the drafting issue and the six-day demand being too tight, "Mere" Mark will not get this motion passed as far as One Nation is concerned. If the department is not doing the right thing, on a different, timely occasion this motion could be resubmitted. But now is not the right time because of the drain on resources and the other investigations.

**The Hon. MARK BUTTIGIEG (15:52:02):** In reply: I will address some of the arguments for why this motion can wait for three months or six months. In the meantime, the workers will not know whether they are being exposed to asbestos in the workplace. The idea of putting people in that situation in the first place, let alone creating more delay and more uncertainty, beggars belief. I point out to my colleague the Hon. Mark Latham and Minister Tudehope that the Opposition is not referring to something that theoretically has to be created out of thin air. The information should already exist. It is pretty much an Excel spreadsheet. What happens is that the organisation does a forensic audit of all the asbestos located throughout its workplace, if it is complying with the law. The organisation puts that information into an Excel spreadsheet and it is available to employees, usually through online access or on paper.

**The Hon. Damien Tudehope:** Is it there?

**The Hon. MARK BUTTIGIEG:** It is already there, Minister.

**The Hon. Damien Tudehope:** But is it there?

**The Hon. MARK BUTTIGIEG:** It will not take up six months of resources.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Order! Interjections are disorderly. I ask the Hon. Mark Buttigieg not to respond to the Minister. The Hon. Mark Buttigieg will proceed.

**The Hon. MARK BUTTIGIEG:** Complying with this request will not take 600 people working in an office for two months to produce. It is either there or it is not. Tell us—that is what we want to know. If it is not there, we need to do something about it. If it is there, that is great. We can give it to the people. The amendment moved by my colleague Mr David Shoebridge makes some very reasonable suggestions. I have to concede that the call for papers under Standing Order 52 was drafted a little bit broadly in terms of "all legislative compliance registers", so the Opposition is happy to delete that.

Essentially, the amendments allow more time for the production of things that will take time, such as the health monitoring records in which the identity of employees will have to be redacted for privacy. Admittedly, that will take more time because of the labour intensity associated with it. The Opposition is prepared to wear the 28 days for the health records but will not accept that the Government cannot produce an asbestos register, which should already exist, by simply pressing a button or collating a number of spreadsheets. As I said earlier, the information either is there or it is not. The request is not resource intensive at all.

Over and above what I have said already, there have been 18 months of prevarication, obfuscation and delay. It is not good enough that workers trade off their health and their future because the Government now wishes to use the cop-out excuses of bushfires and the XPT to claim it does not have the resources to respond to the motion. That is not good enough. The workers' health is in question and the Opposition will not wear that.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The Hon. Mark Buttigieg has moved a motion, to which Mr David Shoebridge has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**The House divided.**

Ayes ..... 17  
Noes ..... 13  
Majority..... 4

#### AYES

Banasiak  
Buttigieg (teller)  
Faehrmann  
Hurst  
Primrose  
Shoebridge

Borsak  
D'Adam (teller)  
Field  
Jackson  
Searle  
Veitch

Boyd  
Donnelly  
Graham  
Pearson  
Secord

#### NOES

Amato  
Franklin  
Maclaren-Jones (teller)  
Mitchell  
Ward

Cusack  
Harwin  
Mallard  
Roberts

Farraway (teller)  
Latham  
Martin  
Tudehope

#### PAIRS

Houssos  
Mookhey  
Moriarty  
Moselmane  
Sharpe

Ajaka  
Fang  
Farlow  
Mason-Cox  
Taylor

**Motion as amended agreed to.**

#### *Committees*

### PRIVILEGES COMMITTEE

#### Reports

**The Hon. PETER PRIMROSE:** I table report No. 79 of the Privileges Committee entitled *Disputed claim of privilege and independent legal arbiter reports*, dated 25 February 2020. I move:

That the report be printed.

**Motion agreed to.**

#### *Documents*

### WESTERN HARBOUR TUNNEL AND BEACHES LINK

#### Production of Documents: Further Order

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

That private members' business item No. 425 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (16:04:40):** I move:

- (1) That this House notes that:
  - (a) on Thursday 28 November 2019 the House ordered the production of documents relating to the final business case for the proposed Western Harbour Tunnel and Beaches Link, and strategic business case for the proposed Western Harbour Tunnel and Beaches Link;
  - (b) on Friday 5 December 2019 the House received correspondence from the Secretary, Department of Premier and Cabinet, which included:
    - (i) certification letter from the Secretary of the Department of Transport stating that "references in an order to the Department of Transport will be understood as meaning a reference to Department of Transport only ... [On that basis] I certify to the best of my knowledge that no documents covered by the terms of the Order and lawfully required to be provided are held by the Department of Transport";
    - (ii) certification letter from the Chief of Staff of the Office of the Minister for Transport and Roads stating that "I certify to the best of my knowledge that no documents covered by the terms of the Resolution which are lawfully required to be provided are held by the Office of the Minister for Transport and Roads"; and
  - (c) the correspondence of 5 December 2019 also stated that "the Department of Premier and Cabinet holds no documents covered by the terms of the resolution that are lawfully required to be provided".
- (2) That this House notes that:
  - (a) 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; and
  - (b) the 2019 changes to the machinery of government and a lack of clarity regarding the responsibilities within the Transport cluster have frustrated efforts to obtain information and documents necessary to examine actions and decisions of this Government.
- (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 the House.
- (4) That, under Standing Order 52, there be laid upon the table of the House within seven days following the passing of this resolution the following documents created since 1 January 2019 in the possession, custody or control of Transport for NSW:
  - (a) the final business case for the proposed Western Harbour Tunnel and Beaches Link;
  - (b) the strategic business case for the proposed Western Harbour Tunnel and Beaches Link; 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.
- (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.

This is the same type of motion as the motion that has just been considered by the House and was resolved in the affirmative. I did not contribute to the previous discussion because I was about to move this motion. However, I did listen carefully to the stated position of the Minister for Finance and Small Business. He suggested that the situation had come about due to the laziness of the Opposition in drafting its motion. I simply say that we consider this not as an insult to the Opposition drafter of this set of motions but simply as an insult to the House. The Minister should consider that each of these motions, as is usually the case, was drafted with the best assistance possible. When the Minister insults the drafting, he should consider whom he is insulting. I will leave it at that.

I am sympathetic to the Minister's claim—and I have said this before in the House—that we should be careful these motions do not drag in too many documents. This motion simply asks for one document. It is a very big document, but a single document and one that should not be too hard to find. The Opposition's case is that there has been a deliberate attempt to frustrate the intention of this House. The intention of the House was clear when it passed the resolution asking for this document. It should not have required any interpretation, but the response we received simply said that, because we had asked for this document from the Department of Transport, this bore no relation to the Transport cluster. The correspondence stated that, "The department does not conduct significant activity, save employing the secretary of the department, who is also the Transport secretary. The department does not have control over the documents of the Transport cluster agencies, which are established by the Transport Administration Act."

That excuse was used to not provide this document. This agency was requested to provide one document, by resolution of this House, but it stated that it simply has one job, which is to employ the secretary. The agency stated that the department, and therefore the secretary, has no control over the documents that are otherwise washing around the Transport agencies. It is of considerable concern to me if that is the position the Government is going to put. It is a technical response designed to evade the intention of this House. That is how we feel about it. I am putting this resolution with a very short time frame—that is, seven days. I have resolved to give that time frame in only this circumstance because I feel that there has been an attempt to frustrate the clear intention of this House.

We have been able to resolve other issues where the Government has had concerns about too many documents being requested or the wrong agency being approached. I have been happy to negotiate with the Government to resolve these things. In this case, none of that happened and we simply received the response with this justification. I say simply that the intention of the House is clear. More concerning is a document that was attached to the correspondence from Transport for NSW. In this place we have debated the fact that we have one Transport agency, and the Government has made that clear. The document provided, in order to justify which agency holds these documents, does not have one transport agency. It has a whole range of agencies attached to it.

The department, Transport for NSW, is identified and an array of agencies are identified: Transport Sydney Trains, Transport NSW TrainLink, Transport State Transit, Transport Sydney Ferries, Transport RailCorp and Sydney Metro. It makes me feel much less confident about the Government's claims that transport planning is coordinated if, when a single document is sought from Transport for NSW, the response is it is not a single agency but a universe of agencies, each of which is pointing the finger at the others. I feel far less confident about the Government's claims about transport planning as a result of this exercise. That is a real pity. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:10:08):** The Government objects to the order for papers under Standing Order 52. I am not going to canvass all the points that I made earlier. There is no intention by me or the Government to impugn the integrity of those who give advice on the drafting of notices of motion. However, to the extent that this becomes a legal document that may be relied upon in the future because of noncompliance, the legal document relied upon must be accurate. I make the point that if, in fact, there is noncompliance then potentially there will be a move to censure a Minister or the like and potentially there would arise from that an application to a court. The court would have to deal with the issue of the legitimacy of the notice in the first place.

I do not take issue or quibble with the drafting of the document or how those opposite obtained the advice they received in relation to it. But there is an important point to be made that if the Opposition wants to rely on a document that may become a legal document or may be used in legal proceedings the terms of the document ought to be accurate and properly identify the people who are required to respond to the document. I note that the Leader of the Opposition said, "We're going to draft these to the Department of Premier and Cabinet." So be it. There may be a convention that he relies on in relation to that. But if there is noncompliance and the noncompliance is relied upon for further remedies against a person or Minister who is charged with the responsibility of complying, then that has consequences.

I make one further point. In debate on the previous motion, the mover of that motion made reference to a Government Information (Public Access) Act request. There was no reference to the outcome of that request, which goes to the very point that I have made time and again about—

**The Hon. Mark Buttigieg:** Point of order: We are not debating the previous motion. The Minister should speak to the motion before the House. I do not have the opportunity to respond to the honourable member's remark.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** The Minister will refrain from referring to the previous motion.

**The Hon. DAMIEN TUDEHOPE:** It goes to whether there is a legitimate forensic purpose to be served. I am not suggesting that in this case there is not a legitimate forensic purpose. I am saying that there ought to be a proper request process, a proper noncompliance process. There is a whole stage of processes to be gone through before these orders. There are 13 such motions on the *Notice Paper* today. It takes time for public servants to respond. I am not saying that in every case there is no legitimate purpose but it is a very time-consuming and costly process for public servants who are employed by the Government to work for the people of this State. [*Time expired.*]

**The Hon. JOHN GRAHAM (16:13:18):** In reply: I thank the Minister for the tone with which he responded. I think it is helpful. Again, I indicate that the Opposition is happy to talk about issues. Where the

Government feels the wrong agency has been identified or too many documents have been requested, we are happy to negotiate, as we have in the past. We want this power used effectively but selectively. That is the approach we seek to take. The Minister in his response has taken what I would consider a more reasonable tone on the drafting and he agrees in this instance that it is a single document. I thank him for those comments.

I erred in my earlier contribution. As I hurried to outline the universe of transport agencies that stand in front of us—in stark contrast to the claim that there is a single transport agency in the State of New South Wales—I neglected to refer to the second box on the page, which also includes the Port Authority of New South Wales and the Office of Transport Safety Investigations. I add those simply for completeness. I think members can see the problem. Our intention is clear and we expect the order for production to be carried out. It has not occurred in the first instance but we look forward to it occurring on this occasion. I thank the Minister for his comments.

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

**Motion agreed to.**

## **MONASH UNIVERSITY ROAD SAFETY DOCUMENTS**

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

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

That private members' business item No. 447 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. JOHN GRAHAM (16:15:36):** I move:

- (1) That this House notes that:
  - (a) on Thursday 14 November 2019, the House ordered the production of documents, created since 1 January 2019, relating to any reports, correspondence or briefings prepared by Monash University in relation to road safety; and
  - (b) on Friday 5 December 2019, the House received correspondence from the Secretary, Department of Premier and Cabinet, which included:
    - (i) certification letter from the Secretary of the Department of Transport stating that "references in an order to the Department of Transport will be understood as meaning a reference to Department of Transport only ... [On that basis] I certify to the best of my knowledge that no documents covered by the terms of the Order and lawfully required to be provided are held by the Department of Transport"; and
    - (ii) certification letter from the Chief of Staff of the Office of the Minister for Transport and Roads stating that "I certify to the best of my knowledge that no documents covered by the terms of the Resolution which are lawfully required to be provided are held by the Office of the Minister for Transport and Roads".
- (2) That this House notes that:
  - (a) 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; and
  - (b) the 2019 changes to the machinery of government and a lack of clarity regarding the responsibilities within the Transport Cluster has frustrated efforts to obtain information and documents necessary to examine actions and decisions of this Government.
- (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 the House.
- (4) That, under Standing Order 52 there be laid upon the table of the House within seven days following the passing of this resolution the following documents created since 1 January 2019 in the possession, custody or control of Transport for NSW:
  - (a) all documents including reports, correspondence and briefings prepared by Monash University or the Monash University Accident Research Centre in relation to road safety; 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.

This order for production of documents is set out in identical terms to the previous motion. Again, it asks for a single document. I ask that the order be considered by the House in a similar way.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:15:58):** The Government opposes the motion. I rely on the observations I made in debate on previous motions.

**The Hon. JOHN GRAHAM (16:16:14):** In reply: The Minister's speeches are getting better and better. I look forward to hearing what he has to say at the end of the day.

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

**Motion agreed to.**

### *Motions*

### **REGIONAL BUSINESS ECONOMY**

**The Hon. SAM FARRAWAY (16:16:48):** I move:

- (1) That this House notes that:
- (a) social media campaigns, such as #buyfromthebush and #onedayclosertorain, together with the Government's Buy Regional campaign are showcasing regional small businesses on a variety of platforms further enforcing our commitment to helping regional communities through tough times; and
  - (b) there have been more than 458,114 page views on the Buy Regional site since its conception and there are now 376 businesses listed from regional New South Wales.
- (2) That this House notes that:
- (a) our regions are open for business and the simplest way for metro communities to get on board and support our drought- and bushfire-affected communities is to spend money and support the regions now, and into the future;
  - (b) Facebook group #onedayclosertorain is connecting people on the land who are struggling with drought, providing a lifeline for those who need to share their stories and the group has launched a marketplace to help regional people create income streams by selling their locally produced arts and design work to city people keen to help; and
  - (c) the #buyfromthebush campaign was founded by Grace Brennan, who noticed a gap in the commentary around small business and drought and turned to social media to help businesses find new customers outside their local communities.

With the drought and the recent fires, there is no denying that regional New South Wales has been doing it tough. Whilst the New South Wales Government, local councils and community organisations are putting a lot of money and resources into measures to assist regional communities, such as the Government's \$1.8 billion Emergency Drought Relief Package, there is always more that can be done. In October 2019 Grace Brennan came up with the #buyfromthebush campaign. Following the success of and in conjunction with #buyfromthebush and other social media campaigns, such as #onedayclosertorain and Thankful4Farmers, the New South Wales Government's Buy Regional campaign was launched to help showcase our regional small businesses.

The campaign, as I am sure all members are aware, was designed to connect Sydneysiders with regional retailers to increase business and help boost regional economies. It started as a way to help drought-stricken retailers build up business that had been lost due to drought. It was originally intended to assist regional businesses during the usually busy Christmas period but has since become a permanent fixture, encouraging people to buy regional for Valentine's Day, birthdays and this upcoming Easter. The recent devastating bushfires have added to the struggles that some of our regional small businesses were already facing and now the message to buy regional has taken on a whole new meaning. Experiences have been added to the site to encourage people to get out and see and experience our regional communities. From eco-tours to farm stays, winery tours, coffee classes and bed and breakfast venues made from train carriages, the experiences showcased on the website really do offer something for everyone.

Today more than 380 businesses are on the Buy Regional website, which has had over 458,000 page visits since its inception. The hub features businesses from a variety of areas across the State including Broken Hill, Coonamble, Inverell, White Cliffs and my hometown of Bathurst. Businesses like Marval Designs in Narrabri, Wondering Ginge in Broken Hill and Ram's Head Bats in Guyra are all featured on the hub. This extra exposure for these small regional businesses is helping to increase sales, and it is working. For example, the Humble Cook at Uralla, in partnership with 17 Northern Tablelands businesses, sold 2,000 Christmas hampers worth \$150,000 via the Buy Regional webpage. As someone who was born, raised and educated and who ran a business in the

regions, I can proudly say the quality and variety of products available from regional New South Wales retailers remains world class and unparalleled, apart from the difference your purchase will make to a business and a community.

Like so many campaigns in today's modern age, social media has played a large role in the success of the hub and the entire Buy Regional message. #BuyFromTheBush founder Grace Brennan grew up in Sydney and now lives on a sheep and cropping farm in Warren, New South Wales, with her husband, Jack, and their three children. Grace said she turned to social media to help businesses find new customers outside their drought-stricken communities and was amazed when the number of followers skyrocketed from zero to 26,000 in just eight days. Whilst it may seem simple, the difference this hashtag has made is above and beyond anything that was expected.

Grace was chosen to give the 2020 Australia Day address, with the theme "Everybody, Every Story". She shared her story, highlighting the enormous impact her simple hashtag has had on many regional businesses, families and communities. In the first six weeks \$2.6 million of revenue was generated for businesses featured on the social pages. In that period 25 jobs were created in rural communities facing drought as a result of increased sales due to the campaign. Currently over 400,000 people are following Grace's campaign on her social media platform. That is 400,000 potential customers. The data is there. The stories are numerous. This campaign and others like it are boosting regional economies and allowing families to keep their businesses open and to support others who are also doing it tough in the regions.

The Facebook group #onedayclosetorain is connecting people on the land who are struggling with drought and providing a lifeline for those who need to share their stories. The group has launched a marketplace to help regional people create income streams by selling their locally produced arts and design work to city people who are keen to help. #Thankful4Farmers ambassador Matt Moran said in lieu of drought-breaking rain farmers across regional New South Wales need the support of the grocery-buying public. This platform encourages everyone—to steal the words of Deputy Premier John Barilaro—to favour the flavour of regional New South Wales and ask your butcher or greengrocer for produce provided by New South Wales farmers and sourced from our regions. Charities and volunteers are also doing great work—for example, organisations like Buy A Bale and Foodbank NSW, which has provided hampers to farming communities. We thank them for their kindness and generosity.

Every dollar we spend with a regional retailer or producer helps keep that small business afloat, supports jobs in that town and gets money flowing through the local economy. That is exactly what is needed while these communities recover from bushfires and wait for the drought to eventually break. I encourage everyone to visit the Buy Regional site, if you have not already, use the hashtags #BuyRegional and #BuyFromTheBush and support the initiatives that are supporting our regions. If you know a regional small business that has not already put its details online or joined one of these initiatives, encourage the business to get on board. It is simple and it is free to join. I have said it before and I will say it again: Regional New South Wales is open for business and it will never close. So get online or, even better, get out there and experience the world-class food, craft, fashion and attractions on offer across our regions and the creativity of producers and makers in regional New South Wales.

**The Hon. MICK VEITCH (16:24:21):** I associate myself with the motion moved by the Hon. Sam Faraway relating to the Buy Regional site. My comments will be relatively brief but there are a few things I would like to say about this type of campaign. I would say to people: If you are going to spend in the regions, spend now. They need it now. If you are going to spend in the regions, spend more. If you are going to spend in the regions, spend more than once. The issues that are affecting a range of communities right around regional New South Wales will not go away with just one spend. We need to support these communities for a long time into the future. Campaigns like this are critical to stimulate those economies but also to draw attention to the wonderful businesses in regional New South Wales. You can access them online.

Let's make sure people understand that the drought does not go away with one shower of rain. The rule of thumb is that the time into a drought is the time out of a drought. If it is a four-year drought, it is going to take those communities four years to get over it economically. That is more than one shower of rain. People need to be aware that it is going to take a long time for a lot of these communities to recover. My concern is that some may not because the drought has been so deep this time around. Then with the spring and summer bushfires layered on top of that, it becomes evident how bad it is economically. I am concerned that some of these communities will experience localised recessions. There is a real risk of that. Campaigns like this stimulate a bit of activity.

In a private member's statement I spoke about the importance of co-ops and their contribution to economies across regional New South Wales. There is some wonderful fare sold through the co-op system and they do great work. As part of the small business campaigns that we are running and the activism around local economies, do

not forget to drop into your local co-op too and pick up a jam, a bottle of olive oil or, for those who may wish to partake, a craft beer or a distilled gin. Do so because it helps those enterprises to continue to operate in regional New South Wales.

We cannot all move to the eastern seaboard; we cannot all move to Sydney. If we did, we would transfer the economic and environmental issues from one part of the State to another. We need people to live west of the Dividing Range. It is critical that that continues, and campaigns like this help that to continue. The social media campaign is a way of promoting regional New South Wales. I live in regional New South Wales. When I could choose somewhere to go during summer I went to Bathurst. I spent some time with family in Bathurst and spent some money in the shops there. I probably spent more money with the grandkids than I had initially envisaged but that is okay. They batted their eyelids and the next thing Pop had his hand in his pocket and was pulling out some more money. That is the sort of thing that happens.

Campaigns like this are important. The social media campaign is important. As I said at the outset, if you are going to spend, spend more than once. It is going to take a while for these enterprises and these economies to get through the effects of the drought and the fire. For a few years I have been looking with interest at the #onedayclostertorain site. Some of the photos over the summer break show places where there has been some rain falling—in some places more than they expected. It was really good to see toddlers outside stamping their feet in water. Some of them may not have seen rain to that extent and some may well have needed an explanation just what it was because some places had been three or four years without rain.

A farmer on Facebook told me it had been seven years since his part of the State had any substantial rain, which means that they are not able to plant crops and all the stock are gone. They got a little bit of rain, which has put a spring in their step and has given them a bit of hope. He is now looking to put the first crop in the ground for quite some time. But the economy and the town nearby, which has a ribbon retail sector that runs along the main street, need people to be there to spend some money. They also need people to go online and spend some money. Go online and check the pub stays around regional New South Wales. There are some really good pub stays. People tell me that country towns are losing their local hotels but many of them are being refurbished, rebadged or relabelled and they go beyond what people expect.

Many members will remember our former head of catering. He has a wonderful pub stay and B & B in Rylstone; the food is pretty good too. If you get a chance, those are the sorts of places you should visit. I commend the member for bringing the motion to the House. It is important to support these initiatives. The Government needs to make sure that the money that is rolled out for the bushfires and the drought also gets to the small business operators, including the co-ops—we do not want to leave them out. I commend the member for bringing the motion to the House. Spend freely.

**The Hon. BEN FRANKLIN (16:31:13):** I support the motion moved by the Hon. Sam Faraway and thank him for bringing it to the House. As we have discussed in this place many times, our regional and rural areas, both country and coastal, face the toughest times that most of us can remember. The Government is committed to helping our communities through these hard times—as it always has and always will. Social media and online campaigns are a vital element to bring the drought and fires to the forefront of people's minds and to give them an active and real way for individuals in communities to help each other. With the ever-changing world of technology and the way people engage with one another, taking an online approach to this initiative is important to make it easy for someone in Drummoyne to help someone in Dubbo.

I am incredibly proud of the Government's Buy Regional initiative, which advertises hundreds of businesses all across the State. The website, which has had more than 458,000 page views, features 376 diverse businesses that all benefit from the campaign. Many successful online campaigns have been created to support people doing it tough in the drought and bushfires. We all know of the wonderful work of #buyfromthebush, #onedayclostertorain and others such as Spend with Them and Empty Esky, which collectively have hundreds of thousands of followers on their socials. You rarely see someone walking down the street without their phone in their hand, so creating these campaigns through Facebook, Instagram and Twitter taps into the way people interact with their world in the twenty-first century. Australia Post reported a 40 per cent increase in regional parcel postage since the inception of the Buy Regional and #buyfromthebush campaigns and businesses featured on those social media pages averaged a 1,000 per cent increase of visitors to their websites.

Those social media campaigns have made it easier than ever for people all across Australia to support businesses in our regional areas right from the palm of their hand. #onedayclostertorain is an incredible initiative using Facebook to help provide support and connect those who are doing it tough with others who are in the same boat. It has brought together thousands of farmers, local businesses, mums, dads and others on their own so that now they are not alone in what they are going through. I am sure we can all attest that when you go through something challenging it is incredibly helpful to know that you are not alone and that others are going through the same thing. When you are miles from the nearest neighbour and town is even further, it can make it difficult to

find the support you need. There are over 51,000 members in the Facebook group and since its inception thousands of stories of despair and hope have been shared. In April 2019 Bill and Lyn Guest shared how hard day-to-day life can be. They wrote:

It's hard to get going of a morning to the same old dry/dusty landscape where nothing changes.

Then came a comment from a total stranger, Anne Barton, offering her bed and breakfast free of charge to the Guest family. She wrote:

We would be honoured to offer you some respite ... your life is so difficult, and this is all I can do to help.

Every story of struggle is met with understanding and support to not give up, even if that might seem easier at times. Founder of #onedayclosetorain Ms Cassandra McLaren has spoken many times about the group and its generosity. She tells stories of people suggesting that others come into their place in town to wash their clothes or have a shower if they do not have water. She says people have also volunteered their time and energy to go to farms and help out in person. In July 2018 Chantelle Elyse and her father offered their property at Taree for free agistment for people with livestock in need of feed and water. We often talk about how people from regional areas are strong and resilient, but it does not mean they do not need a friendly shoulder to lean on when times are tough.

#onedayclosetorain removes the barriers of distance for people in regional communities who can now share their stories in a safe and understanding space. Many members in this place have experiences with life in regional New South Wales—those who know that life on the land can be a very lonely time when it is just you out there every day by yourself, with no-one else for miles. It is even more devastating when you have to watch everything wither away, day by day, with no end in sight. I thank founder Cassandra McLaren for providing such an innovative and important way for people in the regions to connect and share their stories and for allowing people in the cities to understand and engage with those experiencing drought. With so much rain across parts of the State recently, the page is now full of wonderful photos of green paddocks and encourages those who have not had the rain to keep on going and to have hope that it will come.

I also thank Grace Brennan, founder of the amazing #buyfromthebush campaign. She is a true champion for regional New South Wales, establishing an incredible platform that links small businesses in the bush to a broader consumer market. More importantly, she has helped people from all across the State discover the talent and goods that regional New South Wales has to offer. Kennedy the Label, a small business near Nyngan selling linen clothing for children, has recorded an increase of over 200 per cent in turnover since featuring on #buyfromthebush. Annabelle Kennedy launched the business in 2017 from the family farm during the drought. This is just one of over 240 businesses that has benefited from the campaign. The #buyfromthebush Instagram page has over 220,000 followers and has been hashtagged over 86,000 times. On Facebook there are over 182,000 likes for the page, which is an extraordinary achievement.

Although the recent rain has brought much-needed relief and hope for many, the drought is far from over. Regional and rural New South Wales will need long-term support to get back on its feet. I thank all the people, near and far, who have participated and who continue to participate in these campaigns. These initiatives are so important not only to be there for regional towns, businesses and communities but also to showcase to the rest of New South Wales what our country and coastal communities have to offer. I thank the Hon. Sam Faraway again for bringing this motion to the House. It is an important motion driven by the sincere desire to help people in regional New South Wales. I acknowledge the contribution from the Hon. Mick Veitch, who shares this ambition. I commend the motion to the House.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:37:18):**

I support the motion. I do not intend to speak for long but I want to put on record my congratulations and acknowledgement of the Hon. Sam Faraway for moving this very important motion, which allows members to talk about some of the issues that we have in regional New South Wales and some of the solutions that our communities have come up with. I acknowledge Grace Brennan from Warren, the founder of the #buyfromthebush campaign. She is a nice western New South Wales country girl. I do not know whether Government members have mentioned this but last year when the Cabinet was heading to Bourke we stopped in at the Nevertire Hotel. It is a good pub, if you have not been there. I recommend it. I suspect the Hon. Mick Veitch might have been there once or twice. We called in and there was a fantastic #buyfromthebush pop-up store. For a lot of the Cabinet members who had not visited that community and who had not seen #buyfromthebush in action, it was a great opportunity to experience it. We may have also had a cold drink or two at the Nevertire Hotel.

**The Hon. Mick Veitch:** They serve very good lemonade.

**The Hon. SARAH MITCHELL:** I am sure they do serve very good lemonade. While we were there we did some shopping. I bought these earrings, which I wore specially today so that I could talk about them. They are from Peggy and Twig. Go and have a look, gents and ladies in the Chamber, if you are looking for something

to buy. It is a great local business. I could have bought plenty but I bought only one pair. I also bought a few early Christmas presents, some great salad dressing and a few more things for my kids' bedroom. There was a lot to look at and I certainly took advantage of the retail therapy. I told my husband it was for a good cause: It was to buy from the bush, so it was definitely worth spending the money. Before Christmas there were similar pop-up stores here in Martin Place and they also went very well. The innovation shown by our regional communities, when they turn tough times into something positive, should be congratulated and acknowledged in the House.

Similarly, there is the Government's Buy Regional campaign—the Hon. Damien Tudehope is a big supporter of that on social media. There have been real benefits from those campaigns. In my hometown of Gunnedah there were businesses on the list before Christmas that experienced an active sales increase, with access to markets they normally would not have access to. They sold out of goods and had an income stream coming in. It is great when people who live outside the regions want to support us when times are tough. It is important.

A lot of bad comes out of social media, but sometimes some really good things come out of it, with campaigns and hashtags, including #onedayclosetorain. People feel supported when they know that other people care about what they are going through. I have friends who use #onedayclosetorain a lot on their on social media. It provides them with support to know that others are going through it and that others are going to help. Sometimes our hardest times do bring out the best in people, and all the initiatives that the Hon. Sam Faraway spoke about highlight that. I congratulate him. This is a good topic for the House to acknowledge. I am happy to support the motion.

**The Hon. TAYLOR MARTIN (16:40:30):** I support the motion of the Hon. Sam Faraway, who is a fantastic supporter of rural and regional communities throughout New South Wales, in particular at a time when more than 98 per cent of New South Wales is still suffering from one of the worst droughts on record, despite the recent rain. Regional communities are terribly impacted by the drought and it affects all parts of the regional economy. The recent bushfires have exacerbated the issue. A great way for people who do not live in rural and regional areas to support those communities is to make the conscious choice to support regional businesses by purchasing directly from them.

The New South Wales Government's Buy Regional website makes this really easy to do. There are more than 370 businesses listed on the site, selling locally produced and manufactured items under nine categories: kids, art and design, wellbeing, fashion, food, wine and beer, hampers, animal gifts and experiences. People who are not directly impacted by the drought want to help and the Buy Regional website is providing a very simple and effective method of showcasing regional businesses to a large audience. It is free for regional businesses to be listed on the website, which is found at [nsw.gov.au/buyregional](http://nsw.gov.au/buyregional). It includes information to help local businesses create an online presence if they wish to do so. Businesses are also able to list their details and take orders over the phone or via email.

One such business is the Cessnock-based Writeboards, which supplies eco-friendly and re-usable Writeboards that help children learn. They supply thousands of colourful worksheets that are available to use with the Writeboards to assist parents, teachers, childcare centres, special needs families, occupational therapists and tutors to make learning fun and engaging. Another great local business is Bar Botanica, which is located in the extraordinary Distillery Botanica at Erina, formerly known as Fragrant Gardens. The business opened last year and has already been named one of the top five places for brunch in regional New South Wales by *Good Weekend Gourmet Traveller* has stated that it has the best gelato.

Another regional business listed on the website is Bliss Coffee Roasters in Rutherford, which is run by a group of friends local to Maitland. They select gourmet coffee beans from all around the world to be roasted artisan style in an old-fashioned roaster. The Vincent Street, Cessnock, Thread and Ink store, which was established in January 2016, features a massive range of work wear, uniforms, safety equipment and promotional materials. Its products are also available on its website.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Order! There is too much audible conversation in the Chamber. I ask members to lower their voices.

**The Hon. TAYLOR MARTIN:** In 2017 the business was named retail business of the year in the Hunter Valley. Together with social media campaigns such as #buyfromthebush and #onedayclosetorain, the Government's Buy Regional campaign is showcasing regional small businesses on a variety of platforms, further enforcing our commitment to help regional communities through tough times. I commend my friend the Hon. Sam Faraway for moving this motion. I commend it to the House.

**The Hon. NATALIE WARD (16:44:19):** I join my colleagues in support of the motion and thank the Hon. Sam Faraway for his very thoughtful contribution and for raising this matter in the House. My colleagues and I echo his comments. There is nothing stronger than a unified community coming together for a very important

cause. The social media campaigns of #buyfromthebush and #onedayclosetorain and the Government's Buy Regional campaign are magnificent showcases of regional small businesses. Last year they took off at Christmas, at a time when people were going to spend money anyway. Why on earth would they not want to do it in a way that they can feel good about and that helps those who really need it? It is a pleasurable and easy way to assist. The Buy from the Bush campaign was created on 16 October 2019 as an Instagram account that showcased the beautiful things available to buy from rural communities facing drought. However, the concept has become only more important with time.

By connecting urban and rural communities in such a creative and inspiring way, it truly highlights the significance of community-driven change, which all members of this House believe in. It can have a real impact on the lives of those who absolutely need support. Whilst the campaign started as a movement to support drought-affected communities, it has now extended to help bushfire-affected communities as well. It is an amazing way to use social media. At a time when the impact of bushfires is as bad as ever, the movement reinforces our commitment to help the regional communities experiencing terrible challenges. It enables everyone to do that, no matter how big or small. People can spend a weekend away or buy something online. That is a good thing.

I am probably not the first member to sit in this Chamber and use the World Wide Web to access online shopping at times when we cannot get out there and buy something in person. It is a real pleasure to do that to do good while we are doing important work in this Chamber. It is great to contribute and buy something online, particularly at the busy end of the year. I thank the people who have made that available for that purpose. So far the Buy from the Bush campaign has had more than just a financial impact. The campaign's website states:

The psychological impact of city customers 'buying in' to these bush businesses at a time like this, is possibly the biggest success of the Buy From The Bush campaign. Shop owners have had teary and real conversations with customers over the phone. The connectedness between city and country has brought new hope and energy to many.

I note the #stayinthebush Instagram page, which gives people the ability to look at the different venues and places to stay. I encourage everyone to hold their conferences, retreats and meetings there. It is a fantastic thing to do anyway. If people are looking to go interstate, dare I say it, there are options—while not as good as those in New South Wales—on Kangaroo Island and other affected places for those who feel the need to get out of the best State in the best country in the world. The #onedayclosetorain online community also connects those struggling with drought with those who want to help. I have scrolled through those posts and I echo the comments of my colleague the Hon. Mick Veitch that it is a platform for individuals to share their stories through photos, posts, videos and other means.

The pictures are absolutely magnificent. As you can imagine with the recent rains, some of the photos have been quite emotional, with people showing the huge transformations of their communities with before and after photos. I encourage all members who have not had the chance to have a look. It is pretty hard to resist getting emotional when looking at those images. The community launched a significant marketplace that has allowed those in rural Australia to sell their beautiful produce, crafts and wares to those who want to support them directly. The campaign's Facebook description says it is:

A chance to remove the geographic barrier of face-to-face sales and an opportunity to support those working hard to provide for their families.

The support offered is heart warming. The small acts we take to support those communities are very important. As more people buy from those communities, more money goes to local families, who then have the opportunity to spend that money in their communities and local businesses in their own way. One post on the Facebook page states:

For our farmer sellers impacted by drought you have given them an income at a time when many had all but given up hope. Many of the farmer sellers have been able to pay bills, buy feed and unexpectedly you brought joy to them at Christmas. Then people kept going back after Christmas, whether it was for #backtoschool, Valentine's Day or general shopping. The suppliers keep supplying and the buyers keep buying. There are a lot of negative things that can come out of social media, particularly with our young people. With teenage kids, I am very aware of the negative impacts of social media. It is just a delight to see the positive impacts, the Fires Near Me app and the way that these hashtags can be used to support our communities in a very positive way. The social media movements and the community sharing can bring light to these people at a time of overarching darkness. For that, we are all very thankful. I encourage everyone to have a look at them. I commend my colleagues, particularly the Hon. Sam Farraway and others who have contributed to debate on this motion. I commend the motion to the House.

**The Hon. CATHERINE CUSACK (16:50:01):** I speak briefly to lend my support to this motion. I congratulate the Hon. Sam Farraway on moving it. This week has been a breath of fresh air in this Chamber and in this State. In this drought disaster, these are people who do not want handouts—they just want a hand up. I echo the comments of my colleague the Hon. Natalie Ward, who said that these initiatives are a great way for people to support the bush. Further, I amplify that and say it empowers people to support the bush. I have had so much contact from friends and family, even in regional parts of the State and in Canberra, saying, "Cath, what can I do to support these people?" All of Australia is heartbroken for what they have been enduring and the way it never

seems to end. Then we have this initiative—I also note the hashtag that is popular in it—which is #stuffthedrought. It is an absolute sense of defiance: No, we are going to make this and we have got great stuff out here. We are not dead. We are alive. You can support us.

It is just such a relief to people to know they can do this, that they can access this website and buy this produce. It is fantastic to buy, it is unique and it is high quality. Honestly, it should go global. I am really inspired by the initiative. It is so Australian—necessity being the mother of invention—in terms of people coming up with clever ideas that do not cost much and in terms of generating that unity and bringing together people who are suffering the same experiences and empowering the rest of the nation to lend a hand. So many people have struggled to know how to do that. They will donate or do what they can. However, you say, "No, go to this website and support their products", and these people are straight into it. It is really good stuff. I congratulate them.

I understand there is only one other associated Facebook site and that is Stayinthebush. I recommend going out and visiting, even though there is a drought and people might think there is nothing out there. Let me tell you, it is amazing out there. Of course, it is upsetting to see the drought and how bad things are, but what people have done on the stations is amazing. We love to stay at Trilby Station, which is near Louth. Louth has just been a disaster zone for quite some time. However, the station has its own produce and its own bore water. It has created its own little oasis. It is honestly one of the most therapeutic wellbeing breaks that you can take. You go out there and stay a few nights—next time I go I would honestly like to stay two weeks. You are under the big sky. You have got the whole history and heritage of the area.

The people are really appreciative of the chance to talk about how they are going. Stayinthebush really gives you those insights and takes you one step closer. It is terribly needed, because for many of these farms this is now their only income. I would rate the home cooking you get, the quality of the service and the experience at any time, but particularly now. It is a wonderful family holiday and something that everybody should take the time to do. I say well done to the Hon. Sam Faraway. The motion is awesome. To be having this conversation is such a lovely way to end this week and the condolence motion. I commend Minister Tudehope's statement in question time about the engagement of local contractors. There is going to be a lot of money pouring into these very devastated communities and the immediate fear is that none of it is going to stick, because they are going to send in the big boys. We had that disappointment with the construction of the Pacific Motorway—even the housing was brought in. It just has not quite delivered the local benefits that you would think for the spending.

This State Government is going to make sure that does not occur this time—that as much of the money as possible can stick. That will get those areas through this period, particularly in the coastal areas—this is really going to smooth out the lumps for them, big time. I am very proud of these initiatives and very happy to lend my support to this motion.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:55:08):** What a great motion. It has been moved by the Hon. Sam Faraway, a member who has significant experience in small business. A lot of people do not come with the level of experience that he has in running his own business. He knows how important it is during tough times in regional areas to be able to get cash flow through your business. They often do their own campaigns to promote their own businesses, but the Hon. Sam Faraway, having come from a small business background, certainly understands the good times and the bad times and how important it is to have campaigns such as this. I totally support the motion he has moved today. It is no secret that I am a huge supporter of these programs. It is an initiative that gets money rolling through communities, which helps them through.

The Hon. Taylor Martin made reference to the fact that we are still in drought. I emphasise that point. We in Sydney have had a lot of rain. Warragamba Dam went from 40 per cent capacity to 82 per cent capacity over a 10-day period with the amount of rain we had. It is easy to forget. We are in Sydney; who thinks we are in drought now! The water Minister is talking about lifting water restrictions—thank God we are out of it! However, some 99 per cent of the State is still in drought. It is important that we continue to send that message that those businesses and regional areas continue to need our support. As the Hon. Mick Veitch rightly said in his contribution, do not go to the bush to spend—go to the bush to spend big and go to the bush to spend often. I will adopt that terminology in future Facebook posts that I make and I will acknowledge it when I do. It is important that we continue to get that message out.

I have had a lot of interaction with Grace Brennan. She gave the Australia Day address this year down at the Conservatorium of Music. A lot of people do not know that she has conducted this whole campaign while expecting a child. I remember visiting her in Martin Place. She had been on her feet all day while six months pregnant. For her to be so passionate about ensuring the success of that campaign and giving hope to people in the bush like she has is a story to be told for years to come. All the campaigns, whether it is One Day Closer to Rain or Buy from the Bush or Buy Regional, have a status in terms of supporting regional communities.

An important component of the level of support that we give to those communities is that we recognise the trauma people are going through. As the Hon. Catherine Cusack rightly said, we are giving people a helping hand at a time when they are really feeling the pinch. Orders start coming in for their product. I have had lots of people contacting me saying, "Tell them to stop coming. I've got no more product!" An artist with a studio contacted my office and said, "I have had to take down my site because I have got no more product." That is fantastic for her, for her family and for that business.

We have also made a big effort to promote agribusinesses. If you cannot grow anything are there any other opportunities your farm can take advantage of to support your income? When I hear the Hon. Mick Veitch say he took a holiday in Bathurst I am enormously encouraged. Bathurst had five millimetres of rain, while Sydney had the best part of 200 millimetres. The people in that town and the farms in the area feel the pain of no rain enormously. There are people on farms who feel guilty because the farm next door did not get rain, and they did. That is the extent to which there is trauma in the bush, which is being exacerbated by the drought. We are not out of this by a long shot. The continuation of these campaigns and the recognition of the people involved with them is an important component of getting money through those affected towns.

I have also been at pains to say that in relation to bushfires the campaign to get cash back into regional towns is an important part of their recovery. Whether it is people taking holidays, returning for tourism experiences, having conventions or the like, or buying product from those regional towns, a great component of that recovery will be through what we do in terms of our consciousness and making an effort to go there. When the Hon. Mick Veitch said he went to Bathurst for his holiday, he was accepting the mantra that I was instrumental in devising many months ago about going to Bathurst and not Bali. We ought to be singing that song for every country town in New South Wales. They are destinations to visit.

**The Hon. Mick Veitch:** I'll go if you don't sing.

**The Hon. DAMIEN TUDEHOPE:** I won't sing. My predecessor, the member for Epping, might have sung, but I don't sing. The reality is as soon as we get to those towns and stay there, go to a coffee shop, take our grandkids, as the Hon. Mick Veitch did when doing his shopping for Christmas—and he is right, grandkids have enormous potential to make people spend; mine have the same effect on me, and probably a bit more on my wife—we are contributing to the economy. Having your family with you in regional areas is important.

I encourage businesses when they have a conference or an event this year to pick a country town to go to for that convention. Ask the organisers or human resources people to organise it not in northern Queensland or some resort but to pick a regional town that was affected by bushfire or drought. A real estate company pulled its Christmas party last year. It did not choose a restaurant in Sydney to go out to but took a tour through regional New South Wales. I commend it for doing that. It took a bus and toured New South Wales for the purposes of supporting those regional economies.

Moving this motion and acknowledging the work that has been done by getting businesses registered on one of these sites, getting Australia Post to deliver the parcels and getting the business community thriving again is invaluable to the recovery work, both from drought and bushfire, in this State. To the extent that we all rely on government to do things—and there is a lot government can do about getting infrastructure and the like done—the personal things that we do often have just as much impact, because it is showing that every single person who makes that effort cares. It is that level of care that is so important to the recovery process, just as much as the cash, because we are saying they are our brothers and sisters living in regional New South Wales. I commend the motion.

**The Hon. SAM FARRAWAY (17:03:40):** In reply: I acknowledge and thank everyone who has shown great passion for our regional businesses in supporting this motion: the Hon. Mick Veitch, the Hon. Ben Franklin, the Hon. Sarah Mitchell, the Hon. Taylor Martin, the Hon. Natalie Ward and the Hon. Catherine Cusack. It is fantastic to have the Minister for Finance and Small Business, the Hon. Damien Tudehope, speak on the motion. On my recent trips to Orange with the Minister we saw how some regional economies can prosper on a larger scale to make them sustainable.

I gave notice of this motion a while ago. I have looked at the website and it now has more likes and followers, and even more businesses have joined the campaign and the online platform. For the Hon. Mick Veitch to visit Bathurst and regional communities is fantastic. It is one thing to talk about it and another thing to demonstrate it. As he said, it is important to spend often and spend big. Any advice or advocacy I could ever give to boost small businesses, especially in regional economies, is for buyers to seek out businesses selling what they are chasing—do not just find the easiest option online, seek out a local business that may offer what they are looking for. Every extra sale, every extra dollar stimulates the economy and gives more certainty. It is incredibly important for regional economies and communities.



The Hon. Mick Veitch and the Hon. Taylor Martin touched on the drought. There are so many cases where businesses in regional New South Wales have said they would be closed if it were not for this campaign, if it were not for the 2,000 hampers sold by the regional New South Wales business that I touched on in my speech. The Buy from the Bush campaign that was run in Martin Place prior to Christmas demonstrated that people will seek out and support regional economies and the bush however they can. Stalls in Martin Place completely sold out within hours. It was a bit silly that I drove to Bathurst to buy things from businesses that were in Martin Place, but the reality is it all came from the same producer and at the end of the day it is making a big difference.

It is important that even though we have all touched on it, these are tough times. We need to continue to support regional small businesses, their families and communities. I encourage everyone to get out to the regions, like the Hon. Mick Veitch did, visit a local business and have a chat to the local small business people behind the counter and ask them how they are going, what can be done, share posts and help them engage with a larger customer base. They all have a very good story to tell and it is important that we take a little bit of extra time, listen to what they have to say and demonstrate that everyone does care and we all stick together. The next time members are looking for a gift, quality clothing, furniture or something to do on a long weekend be sure to check out the Buy Regional website or look for Buy from the Bush on the social media platforms. I commend the motion to the House.

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

**Motion agreed to.**

## FOSSIL FUELS

**Ms ABIGAIL BOYD:** I move:

That private members' business item No. 5 in the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms ABIGAIL BOYD (17:08:45):** I move:

- (1) That this House notes that:
  - (a) we are in a climate emergency, which threatens our very existence on this fragile planet, and that the continued global extraction of fossil fuels is one of the primary contributors to that emergency;
  - (b) New South Wales, as a major coal exporter and with significant gas reserves is a major contributor to the climate emergency that we must all take responsibility to address; and
  - (c) there are significant opportunities for New South Wales in the renewable energy industry, with the potential to create thousands of sustainable jobs and ensuring the economic prosperity and wellbeing of the people of New South Wales.
- (2) That this House call on the Government to pass laws to prohibit new approvals for the extraction of thermal coal, oil and gas and to prohibit the construction of any new major infrastructure related to them, including pipelines.

We are in a climate crisis. As our rivers dry up and our country burns, people from all walks of life are coming face to face with the harsh reality of our changing climate: raging bushfires, prolonged droughts, air so thick with smoke one cannot breathe. These things should not be normal. But if we continue down the path we are on, they will be. While our country burns and as our planet heats up, this Government is continuing to do what it does best: propping up industries that are most responsible for the crisis we now face. We must face a harsh but necessary truth: Fossil fuels have had their day. We have a better way of doing things now. The future is renewable. A majority of voters of all political persuasions now wholly support renewable energy—Labor, Liberal, The Nationals, The Greens. No matter your affiliation, no matter whether you are conservative or progressive, a majority of Australians want a complete decarbonisation of our economy and a translation to a jobs-rich future powered by 100 per cent renewable energy.

There are significant opportunities for New South Wales in the renewable energy industry with the potential to create thousands and thousands of sustainable jobs and to ensure the economic prosperity and wellbeing of the people of New South Wales. We are already seeing the potential for the jobs and prosperity that renewable energy industries can bring. The *Clean Jobs America* report found that, despite hostility from the Trump Administration, by the end of this decade the solar energy industry is likely to be the second-largest employer in America behind only Walmart. There are similar trends in Australia—again, despite hostility from the Morrison Government. These will be well-paid jobs in a thriving and futureproof industry. But it is not enough just to create new jobs.

We need to ensure that affected communities come out the other side not just surviving, but thriving, and that they have not just replacement jobs but better, long-term, secure jobs with a living wage and protected

working conditions. While we are providing for a just transition for coal communities and ensuring that no worker is left behind, it is patently clear that we cannot be simultaneously adding to the scope of that transition task by creating new jobs in new coalmines and in new fossil fuel related projects. Yesterday we heard in this House from members across the political spectrum who put on record that they do not want the 2019-20 bushfire season to become the new normal. Yet for years we have been warned by scientists that climate change will lead to longer and more severe bushfire seasons as well as more pronounced droughts and other severe weather events.

We have also been warned for many years that fossil fuels must stay in the ground if we are to avoid the worst of climate change and have any chance of keeping global warming to below 1½ degrees Celsius. Some would argue that it is too late, that there is nothing we can do now to avoid climate change. But that is simply a self-serving attitude that goes hand in hand with an unwillingness to change the way we do things and to change the structure of a society where a wealthy few benefit from the extraction of fossil fuels while also being the ones who can afford to shield themselves from the worst impacts of the climate crisis. This Government can and must prohibit new approvals for the extraction of thermal coal, oil and gas and prohibit the construction of any new major infrastructure related to them, including pipelines.

It is time for those in this place who continue to peddle the myths perpetrated by the fossil fuel industry and who continue to prop up the coal industry that provides fewer and fewer jobs and contributes less than 2 per cent to the New South Wales budget to stop putting the short-term profits of corporations before the long-term health of our communities, our country, our environment and our economy. It is time to say no to all new coal, all new oil and all new gas and to say yes to a thriving jobs-rich future with 100 per cent renewable energy by 2030. I commend the motion to the House.

**The Hon. SAM FARRAWAY (17:13:25):** The Government opposes the motion because of the importance of the coal and gas industry in New South Wales, in particular to the regions. Many regional communities in New South Wales depend on the coal industry as a source of employment and economic development. This role is particularly important given the significant impact that the drought and recent bushfires have had on other regional industries, such as agriculture and tourism. As at the end of June 2019, the coal industry employed over 22,000 people directly and nearly 90,000 indirectly in both mine and non-mine related services.

Coal is a significant industry for the State. In 2018-19 coal production revenue was valued at more than \$25 billion, or over 80 per cent of the value of the State's mineral production. In the same financial year \$1.95 billion of the \$2.1 billion contributed by the mining industry in royalties came from coal. These royalties help to fund the public services and infrastructure we rely on every day. Coal also supports the State's energy needs, meeting around 80 per cent of the State's supply requirements and ensuring that New South Wales residents and businesses have access to secure and reliable energy.

The coal industry will continue to play a role over the next few decades even as New South Wales transitions to different energy sources. The New South Wales Government also supports the safe and sustainable development of local gas exploration and production industries that balances the needs of the community, the economy and the environment. It has the potential to be a significant new source of investment and employment for regional communities and would make an important contribution to State revenues through royalties. Over one million households and 33,000 businesses in New South Wales rely on gas. Current New South Wales domestic gas production accounts for less than 5 per cent of our needs.

The approved Port Kembla gas terminal and proposed Newcastle gas import terminal will help to ensure that New South Wales has reliable supplies of gas. Developing a safe and sustainable gas industry in New South Wales would add diversity and security to the State's energy mix, increase competition and put downward pressure on prices. The proposed Narrabri Gas Project could be a significant future source of gas for New South Wales. If approved, it would operate under some of the strictest and most comprehensive regulatory controls in this country thanks to the reforms implemented under our NSW Gas Plan. Prohibiting new approvals for the extraction of thermal coal and gas would shut down two industries that are vital to the ongoing economic prosperity of the State. It is for all the reasons I have stated that the Government opposes the motion.

**The Hon. ADAM SEARLE (17:16:30):** On behalf of the Labor Opposition, I indicate that Labor opposes the motion before the House, although I thank Ms Abigail Boyd for bringing the issue of climate change to the House. With respect, both the mover of the motion and the Government have rather missed the point around climate change. I will begin by moving an amendment to frame my contribution to this debate. I move:

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

- (a) we are facing unprecedented changes to our climate;
- (b) New South Wales, as a responsible jurisdiction, must take immediate and responsible steps to address the challenges and causes of a changing climate; and

- (c) there are significant opportunities for New South Wales in renewable energy, with the potential to increase tens of thousands of sustainable jobs and ensuring the economic prosperity and wellbeing of the people of New South Wales.

- (2) That this House calls on the Government to take steps to achieve net zero emissions by 2050.

Attacking the coal and fossil fuel industries generally is not the way forward. It is true that fossil fuels, particularly coal, provide 80 per cent of our electricity today but it is also true that they will not continue to do so and that the coal-fired power stations we rely upon will be closing over the next 10 to 15 years. We must significantly increase the share of energy we derive from renewable and clean sources if we want not just clean and sustainable energy but cheaper energy. It is cheaper energy that is the platform for productivity gains for our economy as well as the other jobs that renewables will provide.

Focusing on the fossil fuel industries and attacking them and those who work in them will not build a majority consensus in our society for the changes we need to move to our low-carbon economy, to move away from a fossil fuel energy base to a society and an economy powered by renewables. There are climate deniers in society and there are climate deniers even in this Parliament, but to overcome that stubborn resistance to scientific evidence we must build an overwhelming social consensus. It behoves everybody in this Chamber, in particular members of the major parties—the parties of government—to build that consensus between ourselves and among the communities that we represent and that we seek to represent.

To simply engage in partisan posturing is not good enough. That is why I have put this amendment on the table in as clear and as uncontroversial a fashion as possible. I challenge the Government to join with us to build that consensus, not just retreat into the laager of climate change denying and fossil fuel wars. That is so last century. We must move forward together and build this consensus for change, because we have only a short time in which to do it. The challenges we are facing are real and dangerous to the environment in which we live. If we drop the ball on this, future generations will condemn us. I urge all honourable members to support my amendment.

**Mr JUSTIN FIELD (17:19:50):** I believe a similar motion to the one before us today was moved last year. I said at the time that I want to work in this place to try to build a consensus for action on climate change. But that consensus cannot ignore the science—which is clear—that we need to take urgent action on climate change, that global fossil fuel use is a primary contributor to climate change and that therefore the majority of fossil fuels that remain has to stay in the ground. This argument makes me absolutely furious. We are one of the largest miners and exporters of coal in the world. If we ensured the coalmines in this State were only allowed to operate for the rest of their planned life, we would have the time to transition communities—particularly those in the Hunter Valley, where we have seen the slow and methodical winding down of that industry—away from fossil fuel extraction.

There is no need whatsoever to open a new coalmine in this State. It makes me furious. As the biggest exporters, never having exported more coal, we cannot seem to recognise that if we do not say no to new coalmines we will not be able to take the action that we need. But I do want to work to find consensus and I think there is an opportunity here. I thank The Greens for bringing forward this motion. I recognise some of the arguments made by the Leader of the Opposition in this House, but I would ask the Opposition to consider my amendment. I move:

That the amendment of Mr Searle be amended by inserting at the end of paragraph (a): "and that the continued global extraction of fossil fuels is one of the primary contributors;"

I want to try to find consensus. I say to all parties that, if they accept my amendment to Labor's amendment, I will accept Labor's amendment so we can try to find consensus in this House to agree to what is essentially the Government's stated policy. If this House cannot pass a motion as simple as this motion that acknowledges the global role of the extraction of fossil fuels then the Government's argument about a net zero emissions target is absolutely meaningless. I think the importance of this motion today is to point out that the Government's words are hollow in the extreme. I invite all members from all parties to support the statement of facts that the global extraction of fossil fuels is the primary contributor to climate change. If we can acknowledge that then we can start to take action.

**Ms CATE FAEHRMANN (17:22:40):** I also support the motion put forward by my colleague Ms Abigail Boyd. While I appreciate the spirit of Labor's amendment, it is disappointing that once again the Labor Party does not want to put on the record that we need to move away from fossil fuel extraction, particularly coal. In fact, if we do not move away from coal and gas, we will have no hope of dealing with the current climate emergency. It has been about three months since this House last met. During the last sittings we spoke about the climate emergency and I talked about the fact that the Arctic was engulfed by over 100 wildfires. Since then Europe has endured record-breaking heatwaves. This State has been crippled by the worst drought on record. We have just experienced unprecedented bushfires.

Now the psyche of people in this State and across the country has changed when it comes to climate change. People are now extremely scared for their future. They recognise that we have to act swiftly. Poll after poll shows that people, even Liberal Party voters, recognise that gas and coal—but coal specifically—are the problem. If we are going to have any sense of being a parliament that recognises that we have to tackle climate change then we have to mention fossil fuels and we have to be okay with setting a plan for us to move away from fossil fuels. That means not approving any more coal or gas projects. The science is saying that, if we are to have any chance at all of avoiding further catastrophic climate change and meeting our Paris Agreement goals—bearing in mind that we are on track to 3 to 3½ degrees of warming—we have to leave all fossil fuels in the ground. Labor knows this, but once again it is saying that we have to build consensus to move forward.

We can do that by stating the facts and saying that we need to move away from fossil fuels. We need to acknowledge that the continued extraction of fossil fuels is one of the primary contributors to the climate emergency. That is fact. Right now we have coalmines all across New South Wales—I believe there are 10—that are waiting to be approved. It is up to Labor and it is up to the Government to say that those projects should not be approved. We have to deal with this climate emergency. I commend the motion.

**The Hon. ADAM SEARLE (17:25:50):** I will respond briefly to Mr Justin Field's amendment to my amendment. We do not accept Mr Justin Field's amendment because it suffers from the same problem as the original motion. The issue is that, without building a framework that governs our response to climate change first, we will have no way of systematically managing all of the issues that have a bearing on climate change and the changes we need to make to the economy. Without that framework, we have nothing. Attacking one or two industries, which are of course big polluters—there are no two ways about that—will give us the tools to deal with those problems and other issues in terms of decarbonising our economy.

We have to build the framework first and we cannot do that without building the consensus that underpins it. As long as we are perceived by the progressive part of politics as simply attacking people who work in and depend on two fossil fuel industries, we will continue to lose at the ballot box. It is not the fault of the people who work in those industries that those industries are big polluters. We must deal with this. As long as parties continue to attack the symptoms rather than the root cause, we will not make progress. I do not accept Mr Justin Field's amendment. I urge honourable members to support the amendment that Labor has put forward.

**Ms ABIGAIL BOYD (17:27:15):** In reply: I thank the Hon. Sam Faraway, the Hon. Adam Searle, Mr Justin Field and Ms Cate Faehrmann for their contributions to this debate. In relation to the Hon. Sam Faraway's contribution, the regions need leadership. They need the Government to think outside the box and to provide for their futures. They need a government that can create jobs in other industries. Does the Government think that coal workers actually want to work in coalmines forever, with the health risks that that work brings and with the increasing job insecurity and poor working conditions? Of course not; they would much rather work in green, sustainable jobs and other sustainable industries such as health and education. The economics the Government points to are focused on the short term. The writing is on the wall and good economic management means seeing further than the next budget and actually planning for a strong long-term economy by planning new jobs in new industries when old industries are dying.

In relation to the contribution from the Hon Adam Searle, with respect, Labor's amendment creates an entirely different motion, so we will not accept the amendment. I would love to see the Opposition bring a climate change motion of its own, and hopefully we will see that in future sitting weeks. But, effectively, Labor members cannot have it both ways: They cannot accept that climate change is a real and pressing issue based on the science and then not also heed the science that says we need to keep fossil fuels in the ground. The narrative being pushed by a number of parties that this motion is attacking coalminers is patently ridiculous. By not accepting the writing on the wall, both major parties are turning their backs on coal workers.

Even the unions are criticising Labor for its failure to lead the industry's transition. Labor has abandoned workers in the coal industry. Mr Justin Field's amendment is helpful in trying to make the Opposition's amendment mean something. I must say that I share Mr Justin Field's frustration about this. It should be a relatively easy task. We are not asking for the entire coal industry to be wound down overnight. We are saying that the coal industry needs to accept that there can be no new coalmines or other fossil fuel projects. I commend the motion to the House.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Ms Abigail Boyd has moved a motion, to which the Hon. Adam Searle has moved an amendment, to which Mr Justin Field has moved a further amendment. The question is that the amendment of Mr Justin Field to the amendment of the Hon. Adam Searle be agreed to.

**The House divided.**

Ayes .....6

Noes .....29  
Majority.....23

**AYES**

Boyd (teller)  
Hurst

Faehrmann  
Pearson

Field (teller)  
Shoebridge

**NOES**

Amato  
Buttigieg (teller)  
Farraway  
Harwin  
Latham  
Martin  
Moriarty  
Roberts  
Sharpe  
Veitch

Banasiak  
D'Adam  
Franklin  
Houssos  
Maclaren-Jones (teller)  
Mitchell  
Moselmane  
Searle  
Taylor  
Ward

Borsak  
Donnelly  
Graham  
Jackson  
Mallard  
Mookhey  
Primrose  
Secord  
Tudehope

**Amendment of Mr Justin Field to the amendment of the Hon. Adam Searle negatived.**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Ms Abigail Boyd has moved a motion, to which the Hon. Adam Searle has moved an amendment. The question is that the amendment be agreed to.

**The House divided.**

Ayes .....9  
Noes .....21  
Majority.....12

**AYES**

Buttigieg (teller)  
Graham  
Searle

D'Adam (teller)  
Houssos  
Secord

Donnelly  
Primrose  
Veitch

**NOES**

Amato  
Boyd  
Field  
Hurst  
Mallard  
Pearson  
Taylor

Banasiak  
Faehrmann  
Franklin  
Latham  
Martin  
Roberts  
Tudehope

Borsak  
Farraway (teller)  
Harwin  
Maclaren-Jones (teller)  
Mitchell  
Shoebridge  
Ward

**PAIRS**

Jackson  
Mookhey  
Moriarty  
Moselmane  
Sharpe

Ajaka  
Cusack  
Fang  
Farlow  
Mason-Cox

**Amendment negatived.**

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

**The House divided.**

Ayes .....6  
Noes .....29

Majority.....23

## AYES

Boyd (teller)  
HurstFaehrmann (teller)  
PearsonField  
Shoebridge

## NOES

Amato  
Buttigieg  
Farraway (teller)  
Harwin  
Latham  
Martin  
Moriarty  
Roberts  
Sharpe  
VeitchBanasiak  
D'Adam  
Franklin  
Houssos  
Maclaren-Jones (teller)  
Mitchell  
Moselmane  
Searle  
Taylor  
WardBorsak  
Donnelly  
Graham  
Jackson  
Mallard  
Mookhey  
Primrose  
Secord  
Tudehope**Motion negatived.***Documents***TABLING OF PAPERS****The Hon. DON HARWIN:** I table the following papers:

- (1) Forestry Act 2012—Report of the NSW Environmental Protection Authority entitled *NSW Forestry Snapshot Report 2017-18*, dated December 2019.
- (2) Law Enforcement (Powers and Responsibilities) Act 2002—
  - (a) Report of NSW Police Force under section 242A(3) of the Law Enforcement (Powers and Responsibilities) Act 2002 with respect to covert search warrants for year ended 30 June 2019.
  - (b) Report of NSW Police Force under section 242A(3A) of the Law Enforcement (Powers and Responsibilities) Act 2002 with respect to criminal organisation search warrants for year ended 30 June 2019.
- (3) Terrorism (Police Powers) Act 2002—
  - (a) Report of NSW Police Force under section 24(2) of the Terrorism (Police Powers) Act 2002 for year ended 30 June 2019.
  - (b) Report of NSW Police Force under section 25P(2AA) of the Terrorism (Police Powers) Act 2002 for year ended 30 June 2019.
  - (c) Report of NSW Police Force under section 25(2AAA) of the Terrorism (Police Powers) Act 2002 for year ended 30 June 2019.
  - (d) Report of NSW Police Force under section 26ZN(2A) of the Terrorism (Police Powers) Act 2002 for year ended 30 June 2019.
  - (e) Report of NSW Police Force under section 27ZB of the Terrorism (Police Powers) Act 2002 with respect to covert search warrants for year ended 30 June 2019.
- (4) Waste Avoidance and Resource Recovery Act 2001—Report of Exchange for Change entitled *Return and Earn Annual Statutory Report 2017-18* for year ended 30 June 2018.

I move:

That the reports be printed.

**Motion agreed to.****TAFE NSW****Production of Documents: Order****The Hon. COURTNEY HOUSSOS:** I move:

That private members' business item No. 440 outside the order of precedence be considered in a short form format.

**Motion agreed to.****The Hon. COURTNEY HOUSSOS (17:55:02):** 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 in the possession, custody or control of the Minister for Skills and Tertiary Education, the Department of Education and TAFE NSW:

- (a) a current list of all courses delivered at TAFE NSW campuses;
- (b) a current list of all courses delivered through TAFE access points;
- (c) a current list of all courses delivered through connected learning centres;
- (d) a current list of all courses delivered through TAFE Digital; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a fairly straightforward request for a fairly straightforward list of courses. This information is not publicly available. The Opposition wants to know, and the public deserves to know, what TAFE courses are being provided and by which method. This information is incredibly important in the context of a government that has cut—

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Order! There is too much noise in the Chamber.

**The Hon. COURTNEY HOUSSOS:** Since 2012 there are 125,000 fewer students enrolled in TAFE. Just last Christmas 190 staff were sacked. There are 5,500 fewer staff and teachers since this Government came to office.

**The Hon. Sarah Mitchell:** Point of order: I completely understand that the Hon. Courtney Houssos is moving her motion, but this is about a list of TAFE courses. It is a very specific order for documents under Standing Order 52. This is not about the number of TAFE teachers or students. It is pretty clear what this is meant to be about. The member should remain relevant to the topic.

**The Hon. COURTNEY HOUSSOS:** To the point of order: The question before the House is whether this information should be granted to the public. This is a conversation about TAFE. I am being directly relevant to the question of TAFE.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Please proceed.

**The Hon. COURTNEY HOUSSOS:** This is an organisation that has seen four managing directors in the past 12 months. Just yesterday Clare Masters revealed in *The Daily Telegraph* that there was a 30 per cent drop in apprentices between 2013 and 2019, at a time when we face enormous skills shortages in the construction industry, in the automotive industry, with electricians, cabinetmakers and tilers—I could go on. At a time when we face 10 per cent youth unemployment across New South Wales, instead of providing more funding for TAFE, instead of saying that it will fund more teachers, the Government is going to fund a new review. Do not take it from me that businesses in this State do not have the ability to recruit people with the right skills set, take it from the NSW Business Chamber. Its workforce survey found that more than half the businesses in New South Wales—

**The Hon. Sarah Mitchell:** Point of order: Again, I go to the issue of relevance to the motion. If the Hon. Courtney Houssos wants to move a motion that talks about the TAFE review or what the NSW Business Chamber says, that is fine, but this motion is specifically about the Government providing documents with a list of courses within seven days. This is not about any of the matters that the member has canvassed.

**The Hon. Mark Buttigieg:** To the point of order: My honourable colleague is providing context as to why the list of courses should be made available. It is clearly related to the funding of TAFE and the demand for courses. This is directly relevant. The member should be allowed to proceed.

**The ASSISTANT PRESIDENT (The Hon. Shaoquett Moselmane):** Broad discussion is allowed. I will allow the honourable member to proceed.

**The Hon. COURTNEY HOUSSOS:** The NSW Business Chamber's survey found that more than half of businesses were unable to recruit people with the right skills set, the most significant skills shortages were in regional New South Wales and only 9 per cent of people were taking on a school-based apprentice or trainee. It is incredibly important that we know where the TAFE courses are being provided. That is what we seek to find out today. I have very limited time left, but this week the Premier said, "We must get our act together on training future tradies." Nothing could be more true, but after nine years in government the reason we are not training the right tradies is this Government's neglect of TAFE. I have nothing against David Gonski or Peter Shergold but this sector has been characterised by review after review that have justified further cuts by this Government. If the Government is proud of its record it should not need another review. The Government should release this information and fund TAFE properly.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (17:59:54):**

I say at the outset that the Government will not oppose the motion. But I make the point that in her contribution the Hon. Courtney Houssos said that this information is not available online. When we received notice of this motion it went through the process for a Standing Order 52. As the Minister representing the responsible Minister, I went to have a chat with the Minister for Skills and Tertiary Education, Geoff Lee, in his office. The motion calls for a current list of all courses delivered at TAFE NSW campuses. That information is publicly available through Google, which gives the link to all the courses. You can click on the link and it says, "Courses at TAFE NSW", "Browse our Course Areas" and, "TAFE NSW offers hundreds of courses, with a wide range of study options." You can browse by course area, including HSC degrees, university pathways, building, construction, property, health and fitness and a range of other subject areas.

The motion calls for a list of all courses taught at TAFE NSW campuses. The first item on the TAFE homepage is a "Find a Course" search box to enter search terms for what you are looking for by campus and course. You can even search for courses near you. That is the advice I received from the Minister's office. If you look in detail you can find a lot of this information online. We need to think about what we are doing with Standing Order 52 motions; but that is a matter for the members who decide to bring them before the House. However, if there are opportunities to find information publicly online, members should use their research skills to find it. We have no issue providing this information. As I said, we are happy to not oppose the motion. But sometimes those opposite need to do their homework.

**The Hon. MARK LATHAM (18:01:56):** One Nation will support the motion moved by the Hon. Courtney Houssos. It is important to get the list of TAFE courses to crosscheck against what is happening in our schools. The Government has just announced a very important inquiry that will consider the interface between schools and TAFE. Just 25 years ago there was a promise of a seamless interface between schools and TAFE. That has not eventuated. The inquiry and the Government's work, supplemented by the list, are a chance to fix that.

The reality is that in disadvantaged high schools students—mainly boys—are disengaging from the academic curriculum in years 7, 8, 9 and 10. When I visit some of those schools I ask, "What is the TAFE involvement in the school to give these boys an interest and skills in a vocation so they can not only head towards a qualification but also focus on education, rather than being nuisances in the classroom who disrupt the kids who want to go down the academic path?" I have heard principals say, "There is no TAFE presence here." Some of those schools are within walking distance of a TAFE campus.

It is crucial to get the list and to recognise that we have a once-in-a-generation opportunity to get these things right in New South Wales. The funding imbalance is acute. Disadvantaged schools are awash with Gonski equity funding, while the TAFE system and vocational education in general lack funding. Surely it is possible to take the equity funding in our schools and make a large priority component of it available for vocational education. A school should be able to take some of that funding and buy in from TAFE or other private providers the vocational education training courses that are necessary to keep students engaged in learning. The improvements in their behaviour and engagement will also assist the academic students who want to go down a different path. We have a once-in-a-lifetime opportunity to get this right. The list is important. Debate about TAFE and schools is critical.

I urge the Government to look at the equity funding in high schools. Some of it is being spent on fad, experimental programs that have no evidence base. Surely the most important thing we can do with equity funding in a New South Wales high school is use it for vocational education for students who want to learn in practice, learn with their hands and develop a trade and a skill. That will send them in the direction of useful employment and enterprises into the future. The responsible Ministers need to sort this out. I have spoken to Minister Lee, Minister Mitchell and the Premier. The inquiry is a chance to get this right. All members would agree that an effective use of equity funding in high schools for vocational education is one of the most important things we can do for the benefit of young people in this State. The list is a small but important component to get that right, but the broader debate is crucial.

**Mr DAVID SHOEBRIDGE (18:04:43):** The Greens are on record as supporting TAFE and, indeed, supporting 100 per cent of vocational funding going into TAFE so the list of available courses grows and is most relevant to apprentices, young people and others who are seeking a second career in New South Wales. We support the motion moved by the Hon. Courtney Houssos. Minister Mitchell's complaint was that the list could have been provided through discussions or negotiations beforehand. If that is the case, I suggest that it would be sensible for the responsible Minister to contact the Hon. Courtney Houssos to say, "I can provide you with this list. You don't have to worry about going through a Standing Order 52 process. That will be quicker and easier for my department and quicker and easier for the Parliament." The Minister should engage in a sensible, one-to-one human conversation if the complaint is that the information is readily available and can be provided by a Google search.



However, a Google search is not the same as a list. You get a Google search of certain defined terms, which does not provide every single TAFE course provided by campuses, access points, connected learning centres and TAFE Digital. That information is not provided through a Google search. I accept that a great deal of material is available online, but simply saying, "It is available online if you do a variety of complicated searches", is not the same as providing a list. Again, I say that if the information is there and there is no issue making it publicly available the Minister should provide the list to the member when they request it. That is a very simple, straightforward and commonsense process. It also may be a way to avoid the concerns around costs the Government has with Standing Order 52 motions.

**The Hon. MARK BUTTIGIEG (18:06:43):** I support the motion that calls for the list of TAFE courses. The list is very important because it is a proxy measure of the volume and depth of the courses offered by TAFE. There is a view in the community—which certainly rings true in my lived experience—that TAFE is being denuded at the behest of a private outsourced market. Private organisations, which are being funded by the Government, have a financial incentive to undercut TAFE and provide what I refer to charitably as Mickey Mouse courses. Students pay \$10,000, go through one recognition of prior learning assessment after the other and then—tick, tick, tick—get told, "You look like you'd make a good electrician; off you go." That is undermining the capacity of TAFE to offer the proper apprenticeships and qualifications that it used to provide. When I went through in the 1980s young people came out the TAFE system with a qualification that saw them through for life.

It is a big issue in the community. It is an issue that the Labor Party will be prosecuting. My personal view is that the TAFE system should be restored to its former glory as the monopoly provider. That is what should happen. But, of course, now there is a private market that was created artificially, with the Government propping it up with government funding. The result is a basic by-product of the profit incentive. If you are running a training company and you need to make a buck you will offer a course at a cost and then, in order to cut down on outgoings, you will not provide a proper service because that would require more human resource hours and costs on the books.

The poor kids come out of those courses unprepared. I have seen them at the vocational trade tribunal review. They come through—as I said, they have paid \$10,000—and when you start questioning them on their technical knowledge of the particular trade they are supposedly qualified for, they do not have a clue. It is a shame and it is a tragedy. We need to restore TAFE. The call for papers is simply a proxy to determine what is out there and what is being offered. I say to the Minister that if it is so easy to get, then there is no resource drain. We constantly hear from the Government that it is a drain on government resources, it is going to take too long and it is too expensive. If it is available and it is so easy, we want the macro picture and the authoritative stamp from the Government that this is the definitive list so we know what the proxy is.

**The Hon. COURTNEY HOUSSOS (18:09:45):** In reply: I will be brief. I will correct a few of the Minister's statements in her contribution. It is one thing to provide a list; it is quite a different thing to bury something on a government website. This is something that we have been through at length on a range of topics within the Government, and particularly within the Department of Education. This information is incredibly important to show not just a list of the courses that are being provided but also the means by which they are being provided. That is why we seek this information. In relation to this Standing Order 52 motion, I was very considerate in asking for a list. We did not ask for documents or for briefing papers. We have not asked for a huge amount. We have asked for a simple list of information. I commend the motion to the House.

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

**Motion agreed to.**

## **WARRAGAMBA DAM WALL**

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

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 453 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (18:11:32):** I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the passing of this resolution the following documents, created since 1 September 2018, in the possession, custody or control of the Department of Planning, Industry and Environment, Water NSW or Infrastructure NSW:
  - (a) the Biodiversity Assessment Method for the proposal to raise the Warragamba Dam wall, prepared by SMEC Holdings Limited;

- (b) the Offset Strategy Approach for the proposal to raise the Warragamba Dam wall, prepared by SMEC Holdings Limited;
  - (c) the Upstream Biodiversity Assessment Report for the proposal to raise the Warragamba Dam wall submitted by SMEC Holdings Limited;
  - (d) the Downstream Biodiversity Assessment Report for the proposal to raise the Warragamba Dam wall submitted by SMEC Holdings Limited;
  - (e) the Construction Biodiversity Assessment Report for the proposal to raise the Warragamba Dam wall submitted by SMEC Holdings Limited; 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.
- (2) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the passing of this resolution the following documents, identified in "Infrastructure NSW—GIPA ACCESS APPLICATION REF # 62", in the possession, custody or control of Infrastructure NSW:
- (a) email and two attachments—document numbers 14, 14 a and 14 b;
  - (b) draft chapter Environmental Impact Statement—document number 16;
  - (c) email and attachment—document numbers 17 and 17 a;
  - (d) email and attachment—document numbers 22 and 22 a; and
  - (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This Standing Order [SO] 52 motion comes at the end of a long effort to try to understand the critical decisions that are being made around the assessment of the proposal to raise the Warragamba Dam wall. One of the critical aspects of this dam wall relates to the flooding upstream from the dam and the impact of the use of this airspace for flood mitigation on large areas of the Blue Mountains World Heritage Area. Normally that would result in a requirement to offset those biodiversity impacts. However, I have come to understand as chair of the inquiry into the proposal to raise the Warragamba Dam wall that there may be changes afoot within government as to how the biodiversity impacts are to be assessed and managed.

The committee was so concerned about this that, following the Government's submission to the inquiry, we wrote to the Government and requested it provide further information to the inquiry because it had hardly addressed this aspect in its submission. It is critical to the development of the environmental impact statement [EIS] and certainly to the cost-benefit analysis for the project so that we understand the costs of offsetting the biodiversity impacts. In the first instance, through the committee I wrote to the Government to obtain more information. That information was not forthcoming. Subsequently I made efforts to try to better understand the decision-making within government by making a Government Information (Public Access) Act 2009 [GIPAA] request for information relating to the biodiversity assessment process that was part of this proposal. The remainder of the motion details the efforts I have gone to in order to obtain that information.

In the Government's response to that GIPAA, I learned through minutes that were provided to me that there were other documents that had been provided by consultants and others that were not delivered in response to the GIPAA. This SO 52 outlines the specific documents that I think will really tell the story of the biodiversity assessment process for the proposal to raise the Warragamba Dam wall. In its response to my GIPAA, the Government suggested that the reason it was not providing much of this information is that the information was created for the primary purpose of the consideration of Cabinet. That is absolutely ludicrous. It has been prepared explicitly for the purpose of preparing the environmental impact assessment that will go through the New South Wales planning process.

I ask members of the House to support this SO 52 motion. We should have this information and we should have it ahead of the EIS coming out. How the biodiversity impacts of this project will be offset is fundamental to its cost, recognising that now so much of that area has been burnt. This is critical information, given the significance of those impacts and the significance they will have on the cost of the project. I commend the motion to the House.

**The Hon. NATASHA MACLAREN-JONES (18:15:28):** I advise the House that the Government will not be opposing the motion.

**The Hon. PENNY SHARPE (18:15:40):** Given the very brief contribution from the Government and its indication of support for this motion, I briefly note that Labor supports this motion for a call for papers. The issues raised by Mr Justin Field about the biodiversity offsets for and the cost of the Warragamba Dam project are very important. The case that he has put forward for the production of the documents and about the ongoing trickiness of the Government in an attempt to stop the release of the documents means that this is an important motion. This House should use its powers to obtain the documents so that they can be examined properly.

**Ms CATE FAEHRMANN (18:16:30):** The Greens also support this very important call for papers regarding the Government's transparency around biodiversity offsets. The more we hear about how the Government is conducting and largely approving dodgy biodiversity offsets the more worried we have to be about just how many of our cultural and biodiversity assets we are losing in this State. The Government continues to refer to "offsets" but half the time they are not like-for-like offsets, as the Government says and as they are supposed to be.

It is important for members to remember that 80 per cent of the Blue Mountains World Heritage Area has been burnt and significant areas of the Warragamba Dam biodiversity values are proposed to be wiped out. I would very much doubt that the areas that are going to be lost could be offset. It would be very interesting to see how the Government proposes that they be offset. There are critically endangered bird species habitats, such as that of the regent honeyeater, and habitats of other species such as the brush-tailed rock-wallaby that have been significantly impacted by the fires. That alone is enough for transparency in relation to these offsets. That is why the House should support this very important motion.

**Mr JUSTIN FIELD (18:18:19):** In reply: I thank all members for their contributions and 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.**

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** I will now leave the chair. The House will resume at 7.45 p.m.

## **WAGE THEFT**

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

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

That private members' business item No. 457 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (19:46:44):** 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 May 2015, in the possession, custody or control of the Treasurer, the Treasury, the Minister for Finance and Small Business, the Department of Customer Service or Revenue NSW:

- (a) all documents relating to any investigation undertaken by Revenue NSW into the payroll tax compliance of the following companies, any franchise related to the following companies, or any other entity related to or trading as:
- (i) Wesfarmers;
  - (ii) Bunnings;
  - (iii) Sunglass Hut;
  - (iv) Qantas;
  - (v) Rockpool Dining Group;
  - (vi) The Commonwealth Bank;
  - (vii) Michael Hill Jewellers;
  - (viii) Subway;
  - (ix) Woolworths;
  - (x) 7 Eleven;
  - (xi) Caltex Australia;
  - (xii) Domino's Pizza;
  - (xiii) Coffee Club;
  - (xiv) Foodco;
  - (xv) Crust Pizza;
  - (xvi) Coles Group; and
  - (xviii) Super Retail Group.

- (b) all correspondence, emails, briefing notes or House folder notes in the possession of the office of the Minister for Finance and Small Business regarding wage theft, the underpayment of employees, or the payroll tax compliance of any business alleged or proven to have engaged in wage theft or the underpayment of employees; 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.

My motion relates to wage theft. Members who are paying particular attention might see a resemblance between this motion and another motion that was initiated in the embers of the last parliamentary year, which triggered a slight constitutional showdown between the Executive and the Parliament as to the precise scope of our powers. I am glad that it has been resolved in a manner that is befitting this House.

**The Hon. Don Harwin:** I would not assume that at all. That might be the arbiter's view but it will not necessarily be the court's view.

**The Hon. DANIEL MOOKHEY:** While I acknowledge the interjection of the Leader of the Government that it is always open to a court to take a different view, it is the case that at this time it is well within the power of this House to seek documents of the type that are sought in this motion. What are the documents we are seeking? They are documents that will demonstrate whether Revenue NSW has undertaken any payroll tax investigations into companies that have been publicly identified as having engaged in wage theft, whether there is a liability owing, how much that could be and what steps Revenue NSW is taking to make sure that every dollar owed to the taxpayers of New South Wales is collected.

In the ruling that was read out by the Acting President, Mr Walker referred to the difference between lawfulness and wisdom. I set out precisely why it would be wise for the House to exercise its powers in this way. There is a compelling public interest in knowing this information. That is obvious. Everybody agrees as a matter of principle that people who owe taxes should pay them. That is not in dispute. Everybody equally understands that people who earn wages should be paid them. They are principles that are not in dispute. It is known that these companies have not been doing so. While it is the responsibility of other authorities to seek relief for people who have lost their wages, it is the responsibility of Revenue NSW and the New South Wales Government to ensure that every dollar that is owed in tax is collected.

I have said it before in the House and I will say it again that every time a company engages in wage theft there are three victims: the people whose wages have been stolen, the businesses that follow the law with which the company in question competes and the taxpayers. It is of compelling public interest for the Opposition to know precisely what Revenue NSW is doing to ensure that it is acting on behalf of the taxpayer. The Opposition has pursued this through every available parliamentary means and other means. I have been asking questions about this issue in budget estimates hearings since 2016. Every year the Opposition has been seeking this information consistently.

I have also used the freedom of information laws of the State to try to get information akin to this from Revenue NSW but it was not forthcoming. Therefore, the only power now available to the Opposition that will allow it to do its job of exercising oversight of the Executive is Standing Order 52. This scenario is the exact reason the Standing Order 52 power exists. That is why we as the Parliament, the sovereign institution in our democracy—more so than the Executive—have to use this power. There is no other pathway through which we can access the information. Without this avenue, we cannot scrutinise whether Revenue NSW or the Government is doing its job. That is why we must use the Standing Order 52 power.

In my remaining 55 seconds I will address other issues. I anticipate that the Government will talk about the extraordinary scope of the documents and the pig-headedness of the Opposition. I look forward to my weekly character assessment from the Government. But on this issue and others the Opposition has sent a clear message to the Government that it is happy to negotiate. I have told the Government multiple times that the Opposition will negotiate on the issue. But not once has the Government come to the table to negotiate on this motion or others. It has declined every opportunity to do so. Regardless of whether this motion passes, that offer stands. The Opposition is more than happy to talk to the Government and have an amicable dialogue in the spirit of this House, for which we are famous, to try to reach a resolution. But right now the party that is refusing to negotiate is the party sitting on the other side of the Chamber.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (19:51:58):** Mr Acting President, I start by saying two things. First, I do not quibble with your ruling. I disagree with it but I do not quibble with it.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Life is often like that.

**The Hon. DAMIEN TUDEHOPE:** The second is that nothing the Government says about this Standing Order 52 application should be construed as supporting companies or entities that are involved in wage theft. That

ought to be entirely clear. I have said on multiple occasions that Revenue NSW pursues every dollar that it is entitled to. The Government has said that in answers during budget estimates and in this place. Budget estimates is coming up again and the Hon. Daniel Mookhey is entitled to ask again those same questions about amounts collected and the like.

Members are well aware that the problem with the motion is that a provision in the Taxation Administration Act creates a criminal penalty for disclosing the tax records of the taxpayers of the State. The Act says that it is an offence for the Chief Commissioner of State Revenue or any other tax officer to disclose private taxpayer information. The penalty for the offence is 100 penalty units or \$11,000. The motion leaves tax officers, who are public servants, liable to 17 or more such penalties, for a total liability of potentially \$187,000. I am advised that the production of the documents mentioned in the motion may prejudice ongoing investigations into some of the 17 companies involved.

Any release could prejudice the conduct, effectiveness or integrity of an investigation or audit conducted by Revenue NSW by revealing its purpose, conduct or results. Documents covered by the order may include payroll tax records and employee wage summaries with their individual tax file number, date of birth, bank account details and private addresses. In many cases those records are provided voluntarily and in confidence by the business complying with this order and any release would breach that confidence and make future compliance activity more difficult.

I seek leave for a short extension of time.

**Leave granted.**

Payroll tax investigations often rely on information provided by the Australian Taxation Office [ATO] and other third-party agents, which is subject to conditions on how Revenue NSW compliance officers can utilise the information. The release of this information would jeopardise the relationship with the ATO and other agencies. Disclosure of Commonwealth information may give rise to further legal liability for individual public servants under Commonwealth laws that cannot be overridden by this House. The common law power of this House to compel the production of State papers should not be exercised lightly, particularly in these serious circumstances.

At the heart of the motion is a list of 11 taxpayers. The Government maintains that the offences of disclosure of the affairs of the individual taxpayers may apply. There is no intermediate position: It is either a criminal offence or it is not. We cannot negotiate a position that says we can disclose information or limited information of some taxpayers. There is no intermediate position we can arrive at. The sensible position to adopt—and one on which the Government offered to negotiate—was to delay a decision on the motion to enable further written legal advice to be obtained, not the oral advice of Bret Walker. I respect him enormously and was at law school with him, but we ought to obtain independent legal advice as to the status of public servants supplying this information. I oppose the motion.

**The Hon. MARK LATHAM (19:56:40):** I briefly indicate that One Nation will support this very fine Standing Order 52 application by the Hon. Daniel Mookhey. I think it is a real test for the Minister for Finance and Small Business because he seems to have a glaring gap in his curriculum vitae [CV]. As the member for Epping in the other place, we know he was a fighter for the underdog and a member who looked after the little people in this electorate. We know that he was intellectually a leading conservative in the New South Wales Liberal Party. Would we not expect that, as a conservative, the Minister would be standing for the rule of law so that bosses thieving wages in the workplace cannot get away with it? The rule of law must be enforced. As a leading intellectual conservative, one would think the Minister would be doing that.

I am wondering about this amazing transformation. He was fighting for the underdog, the battler, in Epping. He was a leading intellectual standing up for the rule of law, yet he has come to this elevated place, settled in comfortably on the red leather in this House of lords and landowners, and somehow has lost touch with the little people he used to fight for. He has lost touch with the principles of the rule of law. This amazing gap has opened up in his CV. I would have thought that as a matter of abiding principle he would be launching a pincer movement on those thieves, the people who are ripping off employees in the workplace.

**The Hon. Don Harwin:** Point of order: Late on a Thursday night all of us enjoy a provocative and amusing speech, but frankly it is not funny. It has stopped being funny. It is a reflection on the Minister and makes various imputations about his motives. It really should be pulled up.

**The Hon. MARK LATHAM:** Mr Acting President, you are not ruling that way, surely?

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I am.

**The Hon. MARK LATHAM:** Is there no room here for waxing lyrical on a Thursday evening? What sort of place is this? I am trying to bulk up his CV. As the former member for Epping, the Minister was heading

for high office in the other place and here he has a gaping hole in his CV. I am trying to improve his credentials by suggesting he should be involved in a devastating pincer movement with his Federal colleague Josh Frydenberg looking at the tax records of those thieves and with the Minister in New South Wales looking at the payroll tax of those thieves and eliminating the problem of wage theft.

We all know the rules are tough for blue-collar crime, and the Liberal Party talked that up. What about white-collar crime? Some of those cases are absolutely outrageous. I am just indicating the support of One Nation. I am trying to help the Minister, who was doing so well in the other place. I am trying to get him back to the basics of his intellectual honesty and his support for the battler. Come on, do it again.

**The Hon. WALT SECORD (19:59:36):** As the shadow Treasurer, I speak in support of my colleague the Hon. Daniel Mookhey, Labor's spokesperson on finance and small business, on item of business No. 457 relating to payroll tax compliance and wage theft. I know that the Hon. Daniel Mookhey has a genuine interest in fighting the injustice of wage theft. I have a firm principle that workers who have provided their labour have a right to be paid properly for the sale of their labour. I also believe businesses must obey the law. I believe taxpayers ought to be able to collect payroll tax and what is owed to them as a result so that they can put it into essential services like health, education and policing.

It is perplexing. Why is the Government covering up and concealing wage theft? Standing Order 52 exists for this purpose. Why is the Government refusing this request? Sadly, there is a cloak of secrecy over this Government. The Hon. Daniel Mookhey has illustrated a genuine interest in this area. In question time on 24 October he asked two questions without notice. He has raised it for three years in budget estimates and he has debated it here on private members' day. The documents he is seeking are all correspondence, emails and briefing notes or House folder notes in the custody of the office of the Minister for Finance and Small Business regarding wage theft, the underpayment of employees, or the payroll tax compliance of any business alleged or proven to have engaged in wage theft.

I do not understand why the Berejiklian Government has chosen to cover up wage theft. The Hon. Daniel Mookhey is breaking new ground here and, yes, there was a bit of a constitutional showdown, but that is why the upper House exists. It curbs the excesses of Executive Government, it is a House of review, it brings the Government to account, it gets answers and it will find out why the Berejiklian Government is covering up wage theft. I commend the motion.

**The Hon. DON HARWIN (Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, and Vice-President of the Executive Council) (20:02:01):** I was not going to speak but I cannot let some of those statements go unanswered. First, we have had the assertion that this is a settled matter, that you made a ruling, Mr Acting President, based on verbal advice from senior counsel. It is not settled law; no recent cases have been directly on point. On the issue of statutory secrecy, Parliament asserts a position but the Executive Government does not necessarily support it. I make a second point, which is important, and the Hon. Damien Tudehope made it as well. You made a ruling on Tuesday, Mr Acting President, a notice of motion was given the following day and we are debating the motion today.

The Executive Government has always had a different view from the Legislative Council on this. We have had no opportunity to consider what Mr Walker said because it was verbal advice to you, not a written ruling, and we have had no opportunity to get written advice on the ruling you made. The Hon. Damien Tudehope made it quite clear that the Government made an offer to the Opposition that it was prepared to consider its position if it had time to get independent legal advice. That was rejected. So the claims of the Hon. Walt Secord that somehow the position we are taking tonight indicates that we are not serious about the issue of wage theft is just a gross deception and I utterly reject it. We take this issue very seriously. The Executive Government has a responsibility to ensure that the law is upheld, an issue which the Hon. Damien Tudehope also outlined at some length. With those few words, I support my colleague, who I believe has made the case for why we should not be taking this decision tonight very well.

**The Hon. ADAM SEARLE (20:04:30):** I would like to pick up where the Leader of the Government left off and to agree wholeheartedly that the Government has an enormous responsibility to uphold the law. But which laws is the Government choosing to uphold? The purpose of this Standing Order 52 application is to interrogate whether and how the Executive Government is fulfilling its lawful functions in relation to compliance and how it is dealing with the issue of wage theft. Is the Government standing up to enforce those laws or is it standing up to enforce its own prerogative to invoke the secrecy statutes around tax laws? This application is seeking the records of corporations, not natural persons. If those opposite are so concerned about incidental personal information, such as tax file numbers, as is well known in these Standing Order 52 processes, individual identifiers can be anonymised.

**The Hon. Walt Secord:** Redacted.

**The Hon. ADAM SEARLE:** These identifiers can be redacted. If that was the request then that would readily be agreed to. The issue here is: Which laws is the Government trying to uphold? The Government is trying to uphold secrecy laws, because those opposite do not want anyone knowing whether they are doing their job. They say they take the issue of wage theft seriously—well, I call it fraud. In 2017 this side of the House announced a tough package to tackle wage theft. We prosecuted that for some three years and challenged the Government to join us in stamping out wage theft. At the last election the Government refused to address that issue in the public space.

**The Hon. Damien Tudehope:** It was the Commonwealth.

**The Hon. ADAM SEARLE:** The Commonwealth was doing nothing at the time—in fact, it is only now that a campaign has spread from this State across the nation that the Federal Government has felt any shame to give even a fig leaf of response. Those opposite and this Government still have not lifted a finger to address wage theft in this State. They have run a mile from it and they are running a mile again in this debate. If they were genuine, they would have at least tried to meet us halfway by saying, "Our concern is about the privacy of individuals. Can we redact those individual records? Can we anonymise them?" But those opposite have not tried to do that. They are trying to hide the truth about the fact that their Government has dropped the ball and is probably not even enforcing the law. Those opposite are just too embarrassed to fess up about it. Produce the documents.

**Mr DAVID SHOEBRIDGE (20:06:55):** On behalf of The Greens, I indicate our strong support for the motion that is appropriately numbered 457 on the *Notice Paper*. I note that the actual request for documents will potentially produce little if anything. It will probably hardly trouble the Government, because the request is for "all documents relating to any investigation undertaken by Revenue NSW into the payroll tax compliance of" a list of companies. The suspicion is that there has been very little or no investigation undertaken by Revenue NSW. This request is likely to produce a small compass of documents, because no doubt we are talking about some close corporate friends of the Coalition. What we have seen is serious neglect by this Government about significant—

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Reasonable latitude has been given to contributors to this debate, but this motion is about a call for papers under Standing Order 52. I invite Mr David Shoebridge to address the appropriateness of the application for those papers. I attempted, perhaps not particularly successfully, to rein in the Hon. Mark Latham. I ask that members address the substance of the motion before the House, rather than making a generalised second reading contribution.

**Mr DAVID SHOEBRIDGE:** This motion is about getting some sunlight onto whether this Government has done anything to address the scourge of wage theft in New South Wales by companies like 7-Eleven, which is squarely on this list. Also on the list is Rockpool Dining Group, which we know is notorious for wage theft. Where is the evidence from this Government that it has lifted a single finger? Where is the evidence that this Government has looked at the payroll records, which this Government is meant to be provided with, to check whether those records match in any way the kinds of entitlements that are meant to be paid to employees in this State? No investigation has occurred, is my strong suspicion. No care is the very clear political message that we get from this Government. We support this motion and we say to the Government: Show us what you have done.

**The Hon. Damien Tudehope:** Good on you, mate. All good, don't take offence.

**Mr David Shoebridge:** Point of order—

**The Hon. Damien Tudehope:** You're taking offence now.

**Mr David Shoebridge:** This Minister has engaged in sotto voce sledging and I do not consider it appropriate for him to address me as "mate", as he did across the table.

**The Hon. Damien Tudehope:** I am happy to withdraw that you are my mate.

**Mr David Shoebridge:** He has repeated this type of behaviour today.

**The ASSISTANT PRESIDENT (The Hon. Trevor Khan):** Order! I indicate that Mr David Shoebridge invites me to do something and then continues on a conversation. This is often the problem—he dishes it out and the Minister has done precisely what Mr David Shoebridge does at times. I say to the Minister—

**The Hon. Damien Tudehope:** I accept the correction.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The Minister is to restrain himself. Mr David Shoebridge is right but he invites the same rules to be applied to himself. He is well known for sotto voce attacks on other members during these motions.

**Mr David Shoebridge:** Hardly sotto voce—I say it to their face.

[*Members interjected.*]

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I call Mr David Shoebridge to order for the first time. I call the Hon. Taylor Martin to order for the first time. Members will be silent whilst I deal with the matter. The Hon. Mark Buttigieg has the call. Members at the table will be quiet.

**The Hon. MARK BUTTIGIEG (20:11:11):** I am astounded by the disparity in the two sides of the equation here. Most members in this Chamber know that I came from a union, the Electrical Trades Union. I have firsthand experience of the degree of compliance that those unions have to go through when the Government institutes commissions such as the Registered Organisations Commission, where a union will have to justify the minutiae of spending down to the photocopy paper and the milk in the fridge in the Canberra office. Yet when the labour movement runs a campaign to expose what is systemic theft from people—people not being paid statutory wages—we want to know what the Government is doing to scrutinise how it will be rectified. In terms of the argument about privacy, the motion is not asking for specific tax records of individuals. It states:

- (a) all documents relating to any investigation undertaken by Revenue NSW into the payroll tax compliance of the following companies;

And it lists those companies. It is basically saying that we want to know what the Government has done about checking whether this wage theft is occurring in those particular companies, which have been reported in the press and in a campaign I just outlined. It is not asking for individual tax records, so the privacy argument is a cop-out. Given the extent of wage theft that we have seen, the degree of resistance and obfuscation is almost unbelievable. It beggars belief that a government would not do its job and try to scrutinise those companies. You can understand why people get so passionate and understand the comments of my colleague Mr David Shoebridge, because the degree with which the Government tries to resist this sort of thing is breathtaking. Get out there and defend the community and the underprivileged, who are not getting their recompense and the legal pay that they should—do something about it. If the Government does something about it, it might not find itself under attack in the upper House.

**The Hon. DANIEL MOOKHEY (20:13:47):** In reply: I pay tribute to the Chair's wisdom, as always, but I do reflect that it is remarkable that we have finished a debate on wage theft where I was not called to order. I will have to try much harder next time. My second point is that I appreciate the contribution of all speakers, including the shadow Treasurer, the Hon. Walt Secord; the leader of the Labor Party in this place, the Hon. Adam Searle; the Hon. Mark Buttigieg; the Hon. Mark Latham; the Hon. Damien Tudehope; and the Hon. Don Harwin.

I disagree with the Hon. Mark Latham when he described the Hon. Damien Tudehope as a leading conservative intellectual; that is just not true. I also disagree with the only argument of substance that the Minister put forward, which was that somehow this order would compel public servants to break the law. I refer to the Acting President's wonderful ruling in which he made clear that a public servant responding to an order of the Legislative Council will not be committing an offence and the doctrines around statutory secrecy are not intended to inhibit the actions of those who exercise or execute the orders of the House. In fact, as we have said from the outset, this is the only pathway by which a public servant can provide this information in a lawful manner. That is why we think we should use this power.

I turn to the argument advanced by the Leader of the Government, which is that somehow a ruling of the President ought to be effectively set aside whenever the Executive Government wishes to obtain legal advice. That is a remarkable proposition to be advanced by the Leader of the Government. It is, of course, open to the Executive to obtain legal advice—ideally, about how to comply with the orders of the House, not necessarily how to dispute them. But it is open to the Government to obtain legal advice if it wishes to test the proposition in court. I foresee that we may well find ourselves in that scenario.

I return to the fundamentals of this debate. The fundamentals are this. These companies have engaged in systemic wage theft and, in doing so, they have robbed workers of the wages that are owed to them. They have robbed every other business that competes with them lawfully. They may or may not have paid the taxes they owe to the people of New South Wales and, if they have not, then they have robbed every other taxpayer who has complied with their legal obligations. It is the responsibility of Revenue NSW to collect the tax. It is the responsibility of this Parliament to make sure Revenue NSW is collecting that tax. With this information, we will be in a much better position to acquit our responsibility. I look forward to the vote. I look forward to the questions on this issue that may well arise next week in other forums of this House. I commend the motion to the House.

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

**The House divided.**

Ayes ..... 19  
Noes ..... 11



Majority.....8

## AYES

Banasiak  
Buttigieg (teller)  
Faehrmann  
Hurst  
Moselmane  
Roberts  
Shoebridge

Borsak  
D'Adam (teller)  
Field  
Latham  
Pearson  
Searle

Boyd  
Donnelly  
Graham  
Mookhey  
Primrose  
Secord

## NOES

Amato  
Harwin  
Martin  
Tudehope

Farraway (teller)  
Maclaren-Jones (teller)  
Mitchell  
Ward

Franklin  
Mallard  
Taylor

## PAIRS

Houssos  
Jackson  
Moriarty  
Sharpe  
Veitch

Ajaka  
Cusack  
Farlow  
Fang  
Mason-Cox

**Motion agreed to.***Business of the House***ORDER FOR THE PRODUCTION OF DOCUMENTS**

**The Hon. Don Harwin:** Point of order: My point of order is in reference to private members' business item No. 375, standing in the name of Mr David Shoebridge. While the Government is perfectly happy to discuss this matter, deal with it and provide the documents if that is the wish of the House, it is important when dealing with these sorts of significant matters that we do them in the correct form. The motion is a Standing Order 52 request for papers concerning an investigation undertaken by the assistant police commissioner. Given that that is what is involved, it clearly should have been moved as a motion under Standing Order 53. The motion is seeking, as outlined in that standing order:

The production of documents concerning:

...

(c) the administration of justice ...

If we are going to proceed with this, we should be sure we are doing it in the right way so that it is not challengeable in any way and is soundly based. That is my point of order. The motion is invalid and should be resubmitted in the correct form.

**Mr David Shoebridge:** To the point of order: I brought into the Chamber the *Annotated Standing Orders of the New South Wales Legislative Council* by Want, Moore and Blunt on the assumption that this argument may happen. Of course, having obtained advice in relation to the matter, my position as the intended mover of the motion is that it is entirely within the scope of Standing Order 52. Indeed, I invite members to look at page 177 of Want, Moore and Blunt, which talks about the scope of Standing Order 53. As the Leader of the Government says, it is directed to papers relating to the administration of justice. I will read briefly from it. About what falls within the scope of the term "administration of justice" it states:

The issue has previously arisen through challenges to the terms of motions for orders for papers under SO 52, on the grounds that the documents sought fall within the definition of the 'administration of justice'. In ruling on the matter, Presidents have referred to previous rulings which indicate that papers relating to the administration of justice include:

- those that make reference to actual court proceedings

This does not fall within that because there are no court proceedings. It continues:

- material touching on or concerning papers relating to court proceedings or the police investigation leading to such proceedings

Again, there are no court proceedings and the police investigation in this case had led to no such proceedings. The third dot point reads:

- The administration of a sentence on conviction and the orders made

Again, there are no court proceedings, no conviction and no orders. It continues:

- Material concerning conditions of custody where such could be seen as giving effect to or being closely connected with the sentence of the court

Again, that is not included. The last dot point is:

- Documents relating to legal action

There has been no legal action. A series of examples are then given on page 178 of when matters were covered by Standing Order 53. They include, amongst other things, the removal from office and withdrawal of commission of Mr Tony Stewart, MP; proceedings in relation to Birdon Marine Pty Ltd; and efforts to prosecute a notorious bushranger. I do not put the police Minister in the same category as a notorious bushranger, but it would appear that if we adopt the characterisation of the Leader of the Government he would fall within that category because that is how a person comes under Standing Order 53. This motion is not in relation to actual court proceedings, to legal proceedings or to the administration of a sentence. The police are fundamentally an arm of the Executive and they are not trapped or covered by the definition of "the administration of justice". All the papers we seek relate to the actions of the Executive.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** My understanding is this matter was last thoroughly looked at in 2002 when it was considered by President Burgmann. On that occasion an objection was taken by the Leader of the Government. At page 179 of the *Annotated Standing Orders of the New South Wales Legislative Council* authors Want and Moore state:

... when the Leader of the Government took a point of order that a notice of motion for an order for papers under SO 18 (the precursor to current SO 52), concerning matters relating to the conviction and custody of an inmate in a correctional facility, should instead be made under SO 19. The President reserved her ruling with a view to take advice.

The following month, the President tabled a detailed advice from the Crown Solicitor which concluded that documents have reference to the 'administration of justice' if they contain material touching on or concerning court proceedings or the police investigation leading to the administration of justice. The Crown Solicitor further advised that documents containing material concerning custody following conviction may have reference to the administration of justice if they have a relationship to the proceedings concerned, and that this will be the case if the material concerns conditions of custody that could be seen as giving effect to, or as closely connected with, the sentence of the court.

Therefore, it is not simply about material leading up to court proceedings. I am left with some two paragraphs of advice in a very important tome available to us. Self-evidently, I do not have the legal advice that was available and that legal advice is now some 18 years of age. If I were to rule on the matter now I would strike out the offending paragraph, which would have the effect of gutting the Standing Order 52 call for the production of documents. That would not be appropriate without giving the matter further consideration. Therefore, I think it appropriate, as President Burgmann did at the time, to reserve my ruling—which in due course will become the ruling of the President—with a view to taking further advice on the matter. I think that is the appropriate way to proceed.

**Mr David Shoebridge:** It is my intention to move the motion contingent upon your ruling.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I have indicated that I have reserved my ruling, therefore it should wait. Indeed, that is precisely what we did in the Mookhey matter, it would seem that is precisely what occurred in the Burgmann matter and that is what I suggest is the appropriate way to proceed—that is the way this matter will proceed.

#### *Motions*

### **AUSGRID PRIVATISATION**

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

That private members' business item No. 438 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK BUTTIGIEG (20:36:00):** I move:

- (1) That this House notes that:
  - (a) due to ongoing cuts to staff numbers, Ausgrid was unable to adequately respond to the recent storms in New South Wales, which caused widespread power outages that lasted over a week in many cases;
  - (b) the lack of adequate staffing resulted in an unprecedented plea from Ausgrid to call in the army for support;

- (c) in 2015, as part of the electricity privatisation deal, the then Treasurer, the Hon. Gladys Berejiklian, made a commitment that Ausgrid, Endeavour and Transgrid—the Government-owned electricity companies to be privatised—would all retain a guaranteed minimum number of employees up until 30 June 2020;
  - (d) on Wednesday 12 February 2020, the Premier made a statement to the New South Wales public on Channel Seven's *Sunrise* program that was untrue when she stated: "There's actually more full-time staff today than there was five years ago in that organisation";
  - (e) there are in fact far less staff in Ausgrid than there was five years ago, with Ausgrid having cut 1,300 jobs from its workforce since 2015, and 3,000 overall since the Government took office;
  - (f) Ausgrid's minimum legal staffing requirement is 3,570 staff;
  - (g) an internal Ausgrid document reported by the ABC revealed that the actual total number of staff as of 30 November 2019 was 3,238, which is 10 per cent below the legal staffing requirement; and
  - (h) the inadequate resourcing of the privatised electricity provider has meant that communities suffered, with thousands of homes across the State left without power and a number of businesses and schools forced to close due to the inadequate storm recovery response.
- (2) That this House condemns:
- (a) the Premier, Gladys Berejiklian, and the energy Minister, Matt Kean, for making incorrect and misleading statements about the amount of Ausgrid full-time staff;
  - (b) the Premier, Gladys Berejiklian, for breaking her promise to the community that Ausgrid would have a guaranteed minimum number of employees; and
  - (c) the Berejiklian Government for failing to ensure that Ausgrid was properly resourced as required by law, which significantly slowed the efforts of Ausgrid to restore power to homes and businesses across its distribution zone.
- (3) That this House calls on the Government:
- (a) to comply with its own legislation and ensure Ausgrid has the minimum legal requirement of 3,570 staff; and
  - (b) to give a commitment to no more job cuts.

The motion highlights the recent power outages in Sydney, which were exacerbated by the fact that Ausgrid no longer has the requisite staff to provide one of the basic necessities of life—that is, electricity provision to the people of New South Wales. Looking at the nub of the motion, it asks the House to call on the Government to comply with its own legislated minimum amount of staff, which is 3,570, and to make a commitment to no more job cuts. Privatising electricity was a major issue at the last election. The position that the Labor Opposition took on this is well known, along with several stakeholder unions including the Electrical Trade Union of NSW, the United Services Union and Professionals Australia.

Notwithstanding the fact that the Government won the election, there was a high degree of community angst about this policy, which has turned out to be well founded. I worked for that organisation for some 30 years and I can never remember the army having to be called out to help with the restoration of supply. If nothing else, that alone is emblematic of the undercapacity of that now-privatised supplier to, as I say, restore supply within a reasonable amount of time. People were without power for over a week. I have heard the Government's characterisation of this as a one-in-30-year event, a catastrophic event and all the rest of it. It was a significant event, but I used to work for that organisation on the front line of supplying electricity and we had many such events over the course of years. I cannot remember it taking over a week to restore supply.

Sometimes it would take a couple of days, sure. But to have literally thousands of people off power for over a week is simply unacceptable. This goes to the by-product of a privatised distributor; there is no accountability. The Government has a 49.5 per cent share and yet the Minister is seemingly powerless to do anything about it because, in private hands, it is trying to return a profit to its shareholders. If it is getting squeezed on the revenue side, guess where the profits come from? By cutting literally thousands of staff in the space of a few years. In fact, in the 1990s after the amalgamation the organisation had something like 10,000 staff. It has something like 3,300 now. Is it any wonder that it takes so long to restore supply? It is patently unacceptable. The Government still has a 49½ per cent shareholding. Presumably the Minister has an interest in what is going on on the board, what the staffing levels are and whether the Government is actually complying with its own legislated minimum numbers.

In 2015, when the sales legislation to privatise this organisation passed through this House, part of the deal was that jobs would be guaranteed for five years. Those job guarantees expire in June 2020, but an internal Ausgrid document shows in black and white that it has actually fallen below that minimum legislated requirement. You would expect that after the catastrophic events we have seen, where people have had blackouts for weeks on end, the Government would think perhaps that organisation no longer has the capacity to restore supply to the citizens of New South Wales. It is time we stepped into the fray to look into this and to make sure that Ausgrid is adequately resourced because it is not good enough.

We told the Government that privatisation would not work. The Government said it would result in more reliable supply and lower prices; in fact, the exact opposite has happened and it has taken five years for those opposite to wake up to the fact that there is a problem. The motion calls for staff to be retained—no more job cuts—and for Ausgrid to stick by the legislated minimum number of 3,570 staff. I commend the motion to the House.

**The Hon. BEN FRANKLIN (20:41:06):** Let me contextualise exactly what we are talking about here. After the months of horror that we faced over summer with the drought, bushfires and heat waves, many parts of the State were relieved to see some of the biggest rain events in decades hit New South Wales. The east coast low that brought much of the heavy rainfall also generated one of the worst storms faced by our distribution network in three decades. On 8 and 9 February our electricity networks suffered major damage as a result of that storm. To put this in perspective, the storm has been declared a natural disaster, with Ausgrid recording a year's worth of rain hitting the region within four days along, with wind gusts of up to 107 kilometres per hour. The storm caused widespread damage to our networks, resulting in power outages to 140,000 Ausgrid customers.

On 18 February, within just days of recovering from the previous damage, another severe storm—this time an electrical storm—hit our network. As many here would have experienced firsthand, the storm brought with it about 74,000 lightning strikes between 8.00 p.m. and 2.00 a.m. and wind gusts of up to 111 kilometres per hour. The storm caused about 800 hazards on the Ausgrid network, with the worst-hit areas being the east and north of Sydney, the Central Coast and the Hunter region. The extensive damage to our networks required a massive clean-up and recovery effort not only to restore the fallen poles and wires, but also to clear the trees and other debris that was preventing crews from accessing the sites. Crews from Ausgrid, other networks and our State emergency services worked tirelessly to clear the debris and to restore power to customers as quickly and as safely as possible.

I note this motion calls on the Government to ensure that Ausgrid meets the minimum legal requirement of 3,570 staff. That requirement is set out in the Electricity Network Assets (Authorised Transactions) Act 2015, which requires Ausgrid to maintain appropriate staffing levels of 3,570 full-time equivalent employees. Let me say this: Ausgrid has reported full compliance with appropriate staffing levels and with the other employment guarantee conditions imposed on it. As at December 2019, Ausgrid has reported to our independent regulator, the Independent Pricing and Regulatory Tribunal, that its actual number of full-time equivalent employees is 3,950. That is 380 employees more than the legislated requirement and that is why this Government does not support the motion.

**Mr DAVID SHOEBRIDGE (20:43:59):** On behalf of The Greens, I support the motion and thank the Hon. Mark Buttigieg for raising the matter with the House. We know what the outcomes of privatisation are; we have witnessed them this year. The outcomes of privatisation are reduced services, increased fees and, in this case, prolonged blackouts. For the Government to say that everything is fine with Ausgrid is an insult to the 110,000 people who went without power for almost a week as a result of the inadequate support they received from Ausgrid. Recently when I was down on the South Coast members of the Electrical Trades Union told me that the piecemeal privatisation approach of this Government meant that when other utilities staff tried to help Ausgrid it could not effectively use workers from Essential Energy and other organisations because they have all been trained to different manuals and different procedures. The organisations all go off on their own separate, private ways. They do not have common procedures to restore power after a storm event.

This privatisation move by the Government has been a disaster. It has real impacts on people. There was a notorious and tragic case of a quadriplegic man in Sydney who was without power for six days following the February storms. He did not have access to power for a series of pieces of lifesaving equipment. He had to get his family to go out and buy a \$3,000 generator because of the failures of Ausgrid and the failures of privatisation. He was just one of thousands of people who have been failed by this Government's privatisation agenda. When he tried to call Ausgrid, staff did not even return his call. He was left hanging on the phone for hours before he was cut off. His messages online went unanswered. This quadriplegic man went six days without power as a result of Ausgrid's failure, but this Government tries to say that everything is fine and its privatisation scheme has been great. It has been a disaster. There are more power costs, higher power costs, lower levels of service and, in some cases—such as the example I gave—an almost deadly indifference to the needs of ordinary people in this State. I commend the motion to the House.

**The Hon. ADAM SEARLE (20:46:31):** I speak as the Leader of the Opposition in this place and the shadow energy Minister. The real issue is whether Ausgrid is properly resourced. The secondary issue is whether it has met its legal minimum staffing level. In response to the first point, the storms that hit Sydney in February were far from the worst storms ever experienced. There are no two ways about it, Ausgrid's response to reconnect homes and businesses to their power was significantly slower than the response to similar or worse storms in previous years. We know that Ausgrid was struggling because it asked the Government to bring in the army to

help it clear the debris so it could reconnect the power. It made a huge public concession that it lacked the resources to do the job it was charged with. That is the first point. Whatever the staffing level is, it is not adequate.

The second question is about the minimum staffing level. The Parliamentary Secretary was very careful when he said that Ausgrid has reported full compliance to the Independent Pricing and Regulatory Tribunal [IPART]. Let us have a look at what the Government has said about this. The Premier was on *Sunrise* saying that Ausgrid has more staff than before privatisation. Before privatisation it had 5,600 staff. The internal document leaked from Ausgrid showed that as of December it had 3,288 full-time equivalent staff. The Premier lied. Then the Minister for Energy and Environment was breathless on Robbie Buck's program, saying that Ausgrid has 4,300 staff. I went to the IPART website and the figure was 3,950. Where was Minister Kean getting his information? Presumably not from Ausgrid. The Government was just making it up. The legislation that guarantees the minimum staff level allows Ausgrid to claim to have more staff than it actually employs. It can claim its own staff as well as certain contractors who are permanent.

In Ausgrid's report to IPART the staffing level goes above 4,000, way below 4,000, up and then down again. In this situation Ausgrid has defended its staffing levels by saying that it can count contractors that have been engaged for more than 12 months. That is not what the legislation says. It says it can only claim people who work for it permanently. The fact that the staffing level fluctuates within any given year shows that Ausgrid is misusing or not properly applying the legislation. On any reasonable analysis its staffing levels have fallen below the mandated legal minimum. The Opposition would call Ausgrid to answer for that in budget estimates, but because it is a majority privately owned organisation we cannot do so.

**The Hon. MARK BUTTIGIEG (20:49:49):** In reply: I address some of the points made by Government members. I thank my colleagues the Hon. Adam Searle and Mr David Shoebridge for their contributions. The issue of reliance on other staff was raised. The Hon. Adam Searle was right. I made the same point in my opening remarks: The storm in question is not the worst storm we have ever had. I have worked in much worse storms. In fact, they occurred frequently. We restored supply much more quickly than it was restored in this instance. The suggestion that it was an unprecedented catastrophe or a one-in-30-year event is simply not true. There was a time when workers from Essential Energy and Endeavour Energy could be called in to assist. The capacity to do that has gone because those organisations have also been gutted.

In fact, Essential Energy—about which the National Party did a deal to keep in public hands—has been gutted under Government ownership because it did not have the minimum job guarantees. Notwithstanding that, Ausgrid does have the minimum job guarantees. However, the internal document that the Hon. Adam Searle referred to states "... 3,238 full-time employees. Total headcount includes ongoing and temporary project roles, EA"—meaning enterprise agreement—"senior contract and labour hire". I am happy to table that document. As the Hon. Adam Searle pointed out, the inflated figures reported to the Independent Pricing and Regulatory Tribunal of 3,800 or 3,900—which is above the legislated number—include contractors.

Contractors do not spend the majority of their time on the network and should not be counted in the minimum figures. They do not restore supply. When Ausgrid employs Lendlease or a similar company to do a project arrangement for building a greenfields substation—assets—those people cannot be deployed on the front line to restore supply. The Premier has stated that the numbers are greater than they were before privatisation. That is a patent untruth. A storm has left people without power for a week and we have an organisation, which used to be publicly owned and resourced, that no longer has the capacity to meet people's basic electricity needs. Members heard a horror story about a poor paraplegic person being without power for a week. It is not good enough.

Unfortunately, the people of New South Wales now have to suffer. Perhaps the issue will become so politicised that we might have to buy the enterprise back or intervene in the market to ensure that people get the supply they need. The current arrangement does not work. There is no competitive electricity market. The only way forward is for the Government to step in and ensure sufficient workers so that these organisations have adequate capacity to restore supply. Job numbers must be retained and job cuts must stop. I commend the motion to the House.

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

**The House divided.**

Ayes .....19  
Noes .....11  
Majority.....8

## AYES

Banasiak  
Buttigieg (teller)  
Faehrmann  
Hurst  
Moselmane  
Roberts  
Shoebridge

Borsak  
D'Adam (teller)  
Field  
Latham  
Pearson  
Searle

Boyd  
Donnelly  
Graham  
Mookhey  
Primrose  
Secord

## NOES

Amato  
Harwin  
Martin  
Tudehope

Farraway (teller)  
Maclaren-Jones (teller)  
Mitchell  
Ward

Franklin  
Mallard  
Taylor

## PAIRS

Houssos  
Jackson  
Moriarty  
Sharpe  
Veitch

Ajaka  
Cusack  
Fang  
Farlow  
Mason-Cox

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

**The Hon. NATASHA MACLAREN-JONES:** On behalf of Reverend the Hon. Fred Nile: I move:

That business of the House notice of motion No.139 outside the order of precedence be postponed until the next sitting day.

**Motion agreed to.***Documents***YARRA BAY CRUISE SHIP TERMINAL****Production of Documents: Order**

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 384 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (21:02:30):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Port Authority of New South Wales, the Department of Transport, the Minister for Transport and Roads, the Minister for Jobs, Investment, Tourism and Western Sydney, Infrastructure NSW or the Department of Premier and Cabinet:

- (a) the final strategic business case and any draft strategic business cases on the proposal for a cruise ship terminal at Yarra Bay or Molineux Point;
- (b) any correspondence between the Port Authority of New South Wales and the Minister for Transport and Roads relating to the proposal for a cruise ship terminal at Yarra Bay or Molineux Point;
- (c) any correspondence between the Port Authority of New South Wales and the Minister for Jobs, Investment, Tourism and Western Sydney relating to the proposal for a cruise ship terminal at Yarra Bay or Molineux Point; 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.

The community is united in wanting to know why on earth the Government is going to foist upon it such a dreadfully unwanted proposal. I attended a public meeting held at the sailing club at Yarra Bay. Also present were a number of members of this Chamber, representatives from the Labor Party and the Hon. Mark Banasiak from

the Shooters, Fishers and Farmers Party. Also in attendance were local councillors from Randwick, from both The Greens and Labor. But fundamentally it was overflowing with thousands of local residents. It was an extraordinary show of unity from the community that they do not want this monster cruise ship terminal at Yarra Bay.

It is a ridiculous spot to put a terminal. There are no transport links with the rest of the city. A terminal would destroy literally the last untouched part of the northern side of Botany Bay. There is a precious marine ecosystem off the bay and around the point, leading around to La Perouse. At the public meeting there was a compelling representation from a marine biologist about the soft coral that is on the eastern side of where this proposed cruise ship terminal will be built. The project will involve major dredging, major excavation, a very large seawall and major changes to the marine environment. There is coral there that is more than 300 years old.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I invite the member to deal with the issue of the Standing Order 52 request. I have dived there, so I am somewhat sympathetic to the member's observations, but that has nothing to do with the motion.

**Mr DAVID SHOEBRIDGE:** The community ask: Has any of this been taken into account in the business case? They feel almost certain it cannot have been. They want to know if any other site was suggested as an alternative. The obvious site is Garden Island, right in the centre of the city, connected to tourism facilities. Did anybody from the State Government investigate Garden Island? Why are they being singled out by the Government? Why will the Government not provide the final strategic business case or any draft strategic business case that was pulled together for the cruise ship terminal at Yarra Bay?

Moving this Standing Order 52 motion is making good on a commitment that I gave when I attended that meeting. The community will hold us all to account for what we do on this issue. As part of The Greens commitment to accountability to that community, I not only move this Standing Order 52 motion but also urge members from all parties to support it. That community deserves answers and transparency. This business case and any other draft business case and the correspondence between the Port Authority and the Minister for Transport and Roads in relation to this cruise ship terminal needs to be on the public record.

**The Hon. JOHN GRAHAM (21:06:09):** I speak on behalf of the Opposition in debate on this motion. The Opposition supports this call for papers. I congratulate the community campaign, which has been very significant, and my colleague the member for Maroubra, who has been leading the charge on this issue. It really is a community movement on the ground, and I welcome the growing political support behind it. Randwick and Bayside councils have come on board and we have already heard the support from the Shooters, Fishers and Farmers Party and Mr David Shoebridge from The Greens. It is a growing community campaign.

The approach of the Government has been one of secrecy and concealment while a clear and extensive discussion has been going on in the background. At the budget estimates hearings, during some sustained questioning by my colleague the Hon. Daniel Mookhey, it became clear just how extensive those discussions have been between the Government, the Port Authority and some of the cruise companies. The public knows nothing about that. It does not know what is going on behind the scenes and that is what this motion is about. What is at stake here? It is a very precious part of Sydney. Yarra Bay and the small beaches that attend it are the last little bits of sand left to the community on the northern side of Botany Bay. They have already lost six kilometres of beach on that side of the harbour. We are interested in the cost. I invite the Government to respond to this motion. The community view is the cost could be more than \$500 million. I am interested to hear the Government's view.

**Mr David Shoebridge:** That doesn't include the infrastructure links.

**The Hon. JOHN GRAHAM:** That does not include the infrastructure links, nor does it include the inevitable cost blowout. Bids start at \$500 million, but I welcome the Government to top that. I am confident they will. We say the Government is at fault but it is not the only entity that should be careful. Royal Caribbean, one of the key companies at the centre of this potential deal, risks being regarded by the community—I say this having talked to my colleague—as a bad corporate citizen. That is the emerging community view. I say that it should be careful. We support this motion and shedding light on this deal.

**The Hon. NATASHA MACLAREN-JONES (21:08:57):** The Government will not be opposing the motion.

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

**Motion agreed to.**

*Bills***LOCAL GOVERNMENT AMENDMENT (DISQUALIFICATION FROM CIVIC OFFICE) BILL 2020****First Reading**

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

**Second Reading Speech**

**The Hon. WALT SECORD (21:10:53):** I move:

That this bill be now read a second time.

As the shadow Special Minister of State, I am proud to introduce the Local Government Amendment (Disqualification from Civic Office) Bill 2020. It is a bill for an Act to amend the Local Government Act 1993. The purpose of the bill is to disqualify real estate agents and property developers from holding a civic office—that is, the office of a councillor or mayor of a council or, in the case of a county council, the office of a chairperson or member. I hope that the bill is passed in time for the 12 September local government elections later this year. Attentive members may note that it is the second time I have spoken on this subject. For many years it has been Labor's policy to ban property developers and real estate agents from elected councils in New South Wales.

Members may recall how the Liberals and The Nationals joined together in 2017 to defeat a similar bill that Labor introduced at the time. Members will also recall how on 1 June 2016 the member for Granville in the other place asked the then Premier, Mike Baird, to legislate against property developers and real estate agents on local councils. But the saintly Mike Baird disagreed. He choose to stand with the lurk merchants, spivs and property developers rather than to improve the standards of integrity of local government. What a legacy! A Premier is offered a bipartisan chance to make straightforward and much-needed changes to local government, which would easily pass the so-called pub test—and he squibs it.

Members opposite love to talk about corruption—and occasionally engage in it—but they are loath to take action. But let us not forget that when it comes to developer-based corruption, it is local government that has a unique level of corruption potential. Members opposite may say I am attacking local government, but those are not my words, they are the words of the Independent Commission Against Corruption. The ICAC's seminal report on the issue entitled *Taking the devil out of development* in 2001 highlighted local government as having "a unique level of corruption potential" due to the high level of decisions at hand versus the relatively limited oversight compared with State and Federal decisions. With that as the background, I acknowledge my colleague the member for Campbelltown and Labor's shadow spokesperson for local government, Greg Warren, for his hard work and assistance in preparing the bill and consulting on it. I am deeply disappointed that the bill was not introduced by the Berejiklian Government. In fact, it is being strongly opposed by certain circles of the Liberal and Nationals parties and one can only speculate as to why.

For a short period it looked like the bill would have bipartisan support. There were even quotes from senior Liberal Ministers backing the plan. One even went as far as to say, "Putting a developer on council is like putting Dracula in charge of a blood bank." Yoni Bashan from *The Australian* also reported earlier this month that the Special Minister of State and Leader of the Government in this Chamber, the Hon. Don Harwin, was examining changes to the Electoral Act to do what I am proposing today. It was reported that the Minister wanted to prevent property developers from seeking local government preselection across all parties, even as Independents. It was also reported that the Minister for Energy and Environment and Liberal Party factional warrior, Matt Kean, was strongly in favour of banning developers. The Minister, the Hon. Matt Kean, said:

We want to clean up the party. The public expects the Liberal Party to run candidates who will fight for community interests, not their own interests.

Another Minister said:

We should be pure as snow. We don't want the party to be seen as the pro-development party.

But, sadly, the moves by the Hon. Don Harwin and the Minister for Energy and Environment, the Hon. Matt Kean, were smashed by the white shoe brigade within the Liberal Party. We know the Minister was blocked by his own party and by property developers who are pulling the strings. The Ministers wanted to move on the issue. They know about the need to move on the issue. But they were trapped. Today the Liberals, The Nationals and the crossbenchers—though mainly the Liberals and The Nationals—have an opportunity to get behind the community; not the development community, the actual community. The objections, interjections and complaints from the Government side will be quite predictable.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I think that is part of the best parties.



**The Hon. WALT SECORD:** I am just saying that if there were interjections, they would be quite predictable. I can feel the interjections. I do not deny for a minute that over the years we have seen that corruption and wrongdoing is not limited to either side of politics. No political party is immune. But while some use that fact as a distraction from passing real improvements to our laws, I see it as motivation. To those opposite whose argument amounts to little more than a tit for tat list of bad eggs, I say, "Sure. And now, what are you going to do about it?"

Today we have an opportunity to legislate to help put to an end development-based corruption in local government. We have a chance to break what the ICAC long ago highlighted as the strongest link between local government's core functions and pressure to corrupt these functions. It is no surprise that some local councillors have already crawled out from under the rocks to oppose this legislation. I point to Riverina council's Councillor Rod Kendall, who was on the front page of *The Daily Advertiser* in Wagga Wagga as opposing this bill. He said:

There are lots of things that property developers will understand about their city that can be a great contribution to debate.

He also went on to say that property developers were "great contributors" to local government. To be clear, those things are true. But developers can contribute to public debate on council issues like any other interest. They can attend and speak at council meetings, they can make proposals and submissions to council, and they can advocate, within law, to their local councillors and mayor. They can do all those things without having to be elected. Yes, property developers should make a contribution to development debates—but they should not be the umpire. Councillor Kendall, who complains about the legislation, is such an umpire. He holds a decision-making role with the Riverina council and he conveniently forgot to mention that he is, as *The Daily Advertiser* describes him, a "current property developer".

However, others support the legislation. Just moments ago the deputy mayor of Newcastle, Councillor Declan Clausen, wrote to my office and to the Minister for Local Government. Councillor Clawson wrote to the Minister imploring her to support this legislation. His letter states:

The City of Newcastle has previously endorsed measures to ensure openness, transparency, community participation and probity in local decision making, especially in relation to development and planning decisions. Specifically, in April 2019, the elected Council endorsed a request to the NSW Government to restrict active property developers and real estate agents from holding civic office.

Sadly, the opportunity for misconduct by property developers and real estate agents in local government is all too obvious. Since the Council's resolution in April 2019, a member of the City of Newcastle council has become an active real estate agent employed by a large national firm. Communities expect the highest level of accountability and integrity from their councillors and mayors. I think Councillor Kendall's opposition to the plan gives credence to the case for the bill. This bill is simple: It restricts property developers and real estate agents from serving as councillors. It requires any councillors who are engaged in property development post council elections to resign from their role as councillor. It requires councillors who are employed as a real estate agent after being elected to council to step down from their position as councillor. It requires council candidates to sign declaration forms stating whether they have any close associations with property developers. It requires council candidates to sign declaration forms stating whether they have any close associations with real estate agents. Close associations would be regarded as any relationship where the candidate would receive financial benefit from development or any realty transaction.

As for the mechanics of the bill, it involves amending the Local Government Act 1993. The bill makes three main changes under schedule 1. First, to disqualify property developers and real estate agents from standing for public office, the bill adds new section 275, "Who is disqualified from holding civic office?", by inserting at the end of section 275 (1) (h):

, or

- (i) If he or she is a real estate agent, or
- (ii) If he or she is a property developer.

Secondly, in section 275 (10), "property developer" has the same meaning as in division 7 of part 3 of the Electoral Funding Act 2018, and "real estate agent" has the same meaning as in the Property, Stock and Business Agents Act 2002. Thirdly, there are provisions for transition. New section 275 (8) and (9) provide that:

- (8) If, on the commencement of this subsection, a real estate agent or property developer holds a civic office, the person is not disqualified from holding the civic office because of subsection (1) (i) or (j) for the balance of the person's term of office or for the period of 6 months (whichever is the shorter period).
- (9) Despite anything to the contrary in this Chapter, a real estate agent or property developer is not disqualified because of subsection (1) (i) or (j) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless—
  - (a) the person has ceased to be a real estate agent or property developer before the first meeting of the council or county council concerned after the election, or
  - (b) it is an election as mayor by the councillors during the period that the person is not disqualified by the operation of subsection (8).

Finally, the Act commences on the assent of the bill. It is a straightforward amendment; it is a very short bill—some three pages—but it answers a very logical question: Because ruling on high-value property development and zoning decisions is a core function of local government, would it be prudent to ensure that property developers and real estate marketers are excluded from holding the peak roles overseeing those decisions? After a moment's thought the answer would be, "Yes that is prudent"—that is just common sense. It is not often we have a chance to make a decision that would be as welcome in the corridors of ICAC as it would be in the pubs across the State, but today we have such a chance. Those opposite like to talk a big game on integrity. Let us see whether they can have some skin in the game. I thank the House for its consideration.

**Debate adjourned.**

### *Motions*

## **DISABILITY ADVOCACY SERVICES**

**Ms ABIGAIL BOYD:** I move:

That private members' business item No. 423 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms ABIGAIL BOYD (21:24:35):** I move:

- (1) That this House notes the NSW Ageing and Disability Commissioner's *Review into Disability Advocacy in NSW* published in 2019, which recommended that:
  - (a) funding for the independent disability advocacy sector be secure and ongoing; and
  - (b) at a bare minimum, current funding levels for the sector should be maintained.
- (2) That this House calls on the Government to:
  - (a) provide certainty for independent disability advocacy services by publicly committing to adequately fund the sector on a long-term basis;
  - (b) in line with the commissioner's review, provide a budget allocation for independent disability advocacy services of at least \$13 million for financial year 2020-21, \$14 million for financial year 2021-22 and \$15 million for financial year 2022-23; and
  - (c) urgently consult with the independent disability advocacy sector, separate from consultation conducted with the NSW Disability Advisory Council, when considering the structural forms proposed in the review.

I will keep my contribution relatively short because we have all been here before and the positions of various parties in this Chamber have already been well made. In August last year this House noted that independent disability advocacy, information and peak representative organisations play a critical role in upholding the rights of people with disability and called on the Government to ensure that secure, long-term funding for independent disability advocacy, information and peak representative organisations be provided as soon as possible.

At the time, the Government opposed this motion with the justification that it would act as soon as possible following completion of the review into disability advocacy in New South Wales conducted by the Ageing and Disability Commissioner. In fact, the Hon. Damien Tudehope suggested that The Greens' motion was perhaps "a few months early" and that concern about the future of the disability advocacy sector was "alarmist". It is now over two months since the completion of the Ageing and Disability Commissioner's report and only a few months until funding for disability advocacy services across the State ceases. But there has been no word from the Government on whether people with disability will still have these organisations advocating for them in a few months' time.

In the meantime, the sector is so concerned that its services will be forced to shut their doors that it is being made to put crucial resources into the campaign to maintain its funding, rather than dedicating its full attention to individual and systemic advocacy work. Let us now end this saga for all concerned and let these disability advocacy organisations get on with providing vital services to people with disability across the State. I urge this House to call on the Government to urgently provide certainty for the future of disability advocacy services in line with the recommendation of the commissioner's review and to consult with the sector.

**The Hon. PENNY SHARPE (21:26:50):** On behalf of Labor, I indicate that we strongly support the motion moved by Ms Abigail Boyd concerning disability advocacy in New South Wales. This issue has been very well canvassed in the upper House for quite a long time. Members will remember the debate that established the position of the Ageing and Disability Commissioner. It was a very important debate, and the creation of the position had a lot of support in this Chamber. But there was a lot of toing and froing about the independence of the commissioner and, particularly, about the issue of disability advocacy. Members may remember that there was a bit of a deadlock in relation to this House making a valiant attempt to guarantee that there would be ongoing

funding for disability advocacy. That guaranteed funding ultimately was not successful, but what came out of the process was that the very first thing the Ageing and Disability Commissioner would do was conduct a review into disability advocacy.

That review was undertaken and it was completed in December 2019. It made a lot of very good recommendations. In particular, it makes a very obvious case that disability advocacy is a vital service for people with disability in New South Wales. The service is vital not just for people who are able to get an NDIS package but also for the over one million people in this State who have a disability and who require ongoing support. On this side of the Chamber we accept that, but the Government's actions are failing in this regard. All we have had from the Government was a pretty pathetic media release after the Ageing and Disability Commissioner's report was released in December. It said, "We are going to guarantee funding through until the end of 2020." There is no certainty for those organisations that are trying to plan for the future and are being absolutely swamped with work through the NDIS and other organisations.

Let us not forget that last week the Minister very cheekily called in a lot of the disability advocacy organisations to ask them for their support in his campaign to release more NDIS money from the Feds. That in and of itself is fine, but the arrogance and unbelievable shamelessness of having those services in when the Government has not even guaranteed their funding is, even for Mr Gareth Ward, beyond the pale. It is pretty straightforward. There has been a review, the review says that disability advocacy works and there are great organisations across the State that have been doing the work. We need them to continue to do that work. We do not want them to lose their staff because people with disability across the State rely on those services. We should pass this motion and the Minister should guarantee funding for disability advocacy in this State.

**The Hon. NATASHA MACLAREN-JONES (21:29:53):** The New South Wales Government recognises the important role of advocacy organisations in ensuring that all people with disability have the same opportunities for equality and inclusion as the broader community. To ensure that all people with disability in New South Wales continue to benefit from the critical work of disability advocacy organisations while the NDIS is being implemented, the Government has provided funding for advocacy services until 31 December 2020. The Ageing and Disability Commissioner Act 2019 contained a statutory requirement for the commissioner to deliver a report on disability advocacy funding in New South Wales to both Houses of Parliament by 31 December 2019.

The commissioner handed down his report on 19 December 2019 and Minister Ward announced that transitional advocacy funding has been extended to December 2020 to allow the Government the opportunity to consider the commissioner's recommendations. The Government is giving serious consideration to the report and will table its response in due course. The Government continues to work with the ministerial advisory council and the sector on advocacy funding. The funding also addresses any potential shortfalls in the Commonwealth Government's Information, Linkages and Capacity Building [ILC] funding rounds. The ILC is a component of the NDIS that provides information, linkages and referrals to effectively connect people with disability and their families and carers with appropriate disability, community and mainstream support.

Unlike the rest of the NDIS, ILC does not provide funding to individuals; it provides grants to organisations to carry out activities in the community. The New South Wales community, including people with disability and the advocacy and information organisations that support them, will benefit from those grants. Outside of the NDIS, the Commonwealth Government also announced on 12 April 2018 an additional \$2.6 million in National Disability Advocacy Program funding, which will benefit New South Wales until 2020. The increase in funding will ensure that New South Wales receives more equitable funding for advocacy groups from the Commonwealth Government according to population distribution. This is in addition to the Commonwealth Government's recent announcement of \$60 million in funding to extend this program and other advocacy programs to 30 June 2020.

On top of this, it is also providing an additional \$148.8 million over three years to support and connect those with participation in the royal commission. While the ILC program matures and rolls out and responsibilities are settled, the New South Wales Government will continue to monitor and proactively address any gaps in services. The Government has an ongoing responsibility to promote community inclusion and protect the human rights of all people with disability, including people who are not NDIS participants. New South Wales will continue to implement the Disability Inclusion Act 2014, which makes clear that people with disability have the same rights as other people, and promotes the inclusion of people with disability by requiring government departments and local councils to engage in disability inclusion planning.

**Ms ABIGAIL BOYD (21:33:04):** In reply: I thank the Hon. Penny Sharpe and the Hon. Natasha Maclaren-Jones for their contributions to the debate. First, I thank the Hon. Penny Sharpe and the Opposition for their continued support of the disability advocacy sector and for their calls for funding. In relation to the position put forward by the Government, I find it incredibly disappointing that we are still having this argument in this place. Nothing new is being put forward by the Government. We have already discussed how Information, Linkages and Capacity Building is not the answer or any kind of substitute for the sector. We have had that

discussion here before. Most importantly, those discussions were put on hold awaiting the commissioner's review of the sector. The commissioner is of the view that the sector needs to continue to be funded. He put forward very clear figures for that funding, as a bare minimum, for the next three years.

There are now no excuses for the Government not to do what it said it would do, and that is to follow the commissioner's recommendations on funding. It is not good enough to continue to provide an extra three months here and an extra six months there. That piecemeal approach to funding is harming the ability of those organisations to provide the services that the commissioner has agreed are absolutely vital. The Government is stopping those organisations from doing the work that people with disability in New South Wales desperately need. It is shameful. I commend the motion to the House.

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

**Motion agreed to.**

#### *Documents*

### **MAULES CREEK COALMINE**

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

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 448 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (21:36:06):** I seek leave to amend private members' business item No. 448 outside the order of precedence as follows:

- (1) In paragraph (a) insert "the assessment, determination, calculation or viability of" after "relating to".
- (2) Omit paragraph (c) and insert instead:
  - (c) all documents created since 30 March 2019 relating to what was discussed at any meetings between either the Minister for Planning and Public Spaces, the Minister for Energy and Environment, the Department of Planning, Industry and Environment, or the Biodiversity Conservation Trust related to Whitehaven Coal's Leard forest biodiversity offsets

**Leave granted.**

**Ms CATE FAEHRMANN:** 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 in the possession, custody or control of the Minister for Planning and Public Spaces, the Minister for Energy and Environment, the Department of Planning, Industry and Environment, or the Biodiversity Conservation Trust:

- (a) all documents created since 30 March 2019 relating to the assessment, determination, calculation or viability of Whitehaven Coal's biodiversity offsets, required as a condition of project approval to operate the Maules Creek coalmine, for the clearing of the Leard Forest;
- (b) the latest available Management Plans and Biodiversity Offset Strategies prepared by Whitehaven Coal, whether in draft form or approved by the Department of Planning, Industry and Environment, required as a condition of project approval to operate the Maules Creek coalmine;
- (c) all documents created since 30 March 2019 relating to what was discussed at any meetings between either the Minister for Planning and Public Spaces, the Minister for Energy and Environment, the Department of Planning, Industry and Environment, or the Biodiversity Conservation Trust related to Whitehaven Coal's Leard forest biodiversity offsets; 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.

This call for papers seeks documents that would clarify the approval of the Maules Creek State mine to conduct land clearing of the Leard State Forest on the basis of offsets that Whitehaven Coal appears unable to provide. The Leard State Forest was a treasure trove of biodiversity, and included the largest single remaining stand of white box grassy woodland in New South Wales, which is a critically endangered ecological community [CEEC]. This ecological community, combined with red gum community along the riparian areas of Maules Creek, was home to numerous threatened species, including the koala. In 2012 Whitehaven Coal was given approval to bulldoze 1,665 hectares of native vegetation in the Leard State Forest.

That approval was conditional on Whitehaven acquiring equivalent or greater offsets—a combined area of habitat to replace the land cleared in the Leard State Forest. Whitehaven Coal acquired numerous properties as offsets. The offsets did not have to be immediately accessible to the displaced wildlife. In some cases, the offsets are 40 kilometres away and at an altitude of over 900 metres above sea level, compared with the Leard forest's

elevation of 300 metres. Nor did they have to be of the same quality; some of the offsets are farms. The company was obliged to restore grazing paddocks to woodland that would support the rich biodiversity previously found in the Leard forest.

Last year, 500 pages of documents obtained under the Government Information (Public Access) Act [GIPAA] by the Wando Conservation and Cultural Centre revealed that the Biodiversity Conservation Trust [BCT] has conducted site visits over 18 months and repeatedly refused to sign off on the Maules Creek offsets for conservation agreements. This means the Leard Forest Critically Endangered Ecological Community has been cleared for six years, from 2014 to 2019, on the basis of false biodiversity offsets. The planning department approved the Maules Creek coalmine offsets in March 2018 and forwarded them to the Biodiversity Conservation Trust. The conditions of approval require Whitehaven to permanently secure the offsets in the form of transfer to the national parks estate or a binding conservation agreement approved by the BCT.

There were deadlines in the approval conditions to secure the offsets repeatedly missed and extensions granted. Whitehaven has now had two extensions and it appears it has been granted another exemption with the BCT, claiming that an undisclosed amount but not all of the offsets have now entered into conservation agreements. The planning department's approval for the Maules Creek coalmine, paving the way for the destruction of the CEEC as mentioned before, was based on vegetation mapping and description of the habitat in the offsets provided by Cumberland Ecology, an ecological consultancy.

The proposed offsets and Cumberland Ecology's advice to Whitehaven had already been the subject of longstanding controversy, opposition from the New South Wales Office of Environment and Heritage, an investigation by the ABC's *Background Briefing* and an independent peer review conducted by Greenloaning Biostudies. For years, local community groups have called on the planning department to release ground truthing audits, which would show what vegetation was found on the offsets detailed in Cumberland Ecology's report and acquired by Whitehaven. The department has repeatedly refused. Whitehaven fought tooth and nail against disclosure too, and now we know why. Approved by the planning department but rejected by the Biodiversity Conservation Trust, the offsets remain in limbo yet Whitehaven has made a clear profit of \$1.5 billion in the past three years. This is owing considerably to the production of coal from Maules Creek, its largest mine—and by the way, it has not paid tax in all those years.

Whitehaven has also been openly exploring for coal on one of the offsets since 2016, nevertheless the department of planning still approved the offset as a viable replacement for the Leard forest CEEC. The scope of this call for papers picks up from 30 March 2019 where the Wando Conservation and Cultural Centre's GIPAA documents finish. It will bring to light how the Biodiversity Conservation Trust and the planning department have managed Whitehaven's continued inability to produce adequate like-for-like offsets while continuing clearing operations in the Leard State Forest, which are potentially continuing this week. I note that we have been in discussion with the office of the Minister for Energy and Environment to limit the scope of this call for papers as much as possible to reduce the potential workload for the department; that is what my amendments do. I commend the motion to the House.

**The Hon. ADAM SEARLE (21:41:55):** The Labor Opposition will be supporting the motion.

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

**Motion agreed to.**

#### *Committees*

### **REGULATION COMMITTEE**

#### **Reference**

**The Hon. MICK VEITCH:** I move:

That private members' business item No. 454 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MICK VEITCH (21:43:33):** I move:

- (1) That the Regulation Committee inquire into and report on the impact and implementation of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020.
- (2) That the committee report by Thursday 14 May 2020.

The Opposition sought to move this motion during formal business this morning but it was objected to. The motion seeks for the Regulation Committee to undertake another inquiry into regulations as per the resolution establishing the committee, which says:

The committee may inquire into and report on any regulation, including the policy or substantive content of a regulation, and trends or issues that relate to regulations.

In accordance with that, I have sought to have this regulation referred to the Regulation Committee. This regulation was made under section 400 (2) of the Water Management Act 2000, which states:

A regulation may make provision for or with respect to the exemption of any person, matter or thing from the operation of this Act or any specified provision of this Act, either unconditionally or subject to conditions.

What does this regulation do? When it was put in place it caused a bit of confusion amongst a whole heap of people. Those in this Chamber who are experienced political campaigners would understand and appreciate that if you have people on the extreme left and people on the extreme right of an issue ringing you and saying the same thing then clearly something is wrong. There was an embargo on floodplain harvesting. It was lifted for three days and then put back in place. Some of the comments that have been conveyed to me around the regulation include that clear communication is required around the application of this regulation, there needs to be transparency, the Minister has provided no "context upon which the decision to create and implement this regulation" was made, there is no transparency around the way in which this regulation was required, and a spotlight should be shone on how this regulation came into existence and how the Minister applied it.

There is very real confusion about the operation and even the application of this regulation. There are people in the southern basin who want to know how this occurred. There are people in the northern basin who want to know how this occurred. There are people living in Broken Hill who want to know how this occurred. There has been no communication from the Minister as to why this regulation was put in place, why it was lifted for three days, or the basis on which the process took place. I would say to people who are wondering why there is increased interest in this regulation: Look at the public comments of the Chairperson of the National Farmers' Federation, Fiona Simpson, who essentially says there needs to be clarity around this and the communication needs to be improved around how this regulation came into being and how it was applied. The motion is pretty straightforward. I am surprised it did not go through in formal business. But the Regulation Committee wants to look at it. I commend the motion proposing this inquiry to the House.

**Mr David Shoebridge:** They are scared of the Regulation Committee.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Earlier tonight Mr David Shoebridge took exception to some comments made by the Hon. Damien Tudehope. At that time I indicated that it was an issue of pot and kettle.

**Mr David Shoebridge:** I see you are going to focus on me tonight, Trevor.

**The ACTING PRESIDENT (The Hon. Trevor Khan):** I call Mr David Shoebridge to order for the second time. The member will cease interjecting.

**The Hon. MARK LATHAM (21:47:21):** One Nation will be supporting the motion moved by the Hon. Mick Veitch because we too want clarity. It is very hard to understand how arrangements can be repeatedly on/off on something as important as supplying water to farmers. As I understand it, the situation in the Moree district, the Gwydir Valley, was that the farmers there had not seen decent rain for four years, they had not had a crop for three years and when it did rain substantially they were naturally out dancing in that rain and celebrating what they hoped to be the end of the drought. It seems to me cruel and unusual punishment to say to those farmers they could not harvest that water to fill their dams or irrigate cotton fields or other agricultural fields and have the normal human reaction of thinking, "At long last I can get on with my enterprise, save my farm and feed my family."

I know there are arguments about water sharing, but I would have thought as a matter of fairness that if the rain falls in your district, you have not had rain for four years and you have not had a crop for three years, then you are entitled to some of that rain when it lands on your land. For farmers to see sheets of that water moving across their property and not be able to harvest it seems extraordinary in these circumstances. The member seeks clarity; I think we also need to seek compassion and fairness. These water sharing matters are complex, but the bottom line is that if you are a farmer and you have not had any water and it has landed on your property, you need to have some floodplain harvesting rights so you can stay as a farmer. That should be one of the purposes of the Regulation Committee's examination of this.

We all talk about mental health and the rights of farmers, and how terrible the drought has been. It gets a lot worse if you are out dancing in the rain one day then a few days later some ministerial instruction says you cannot harvest that water flowing across your property. It seems an extraordinary circumstance. I want to see clarity and the reasons it happened this way. It should not happen again. The uncertainty of on-off, on-off is not a way to run these policy areas. I commend the honourable member for what he is trying to achieve and I very much look forward to the committee's report.

**The Hon. SAM FARRAWAY (21:49:40):** By referring this matter to a committee the House will be denying farmers procedural fairness. They will be stuck in limbo, not knowing whether the Government can continue to take steps to regulate and license floodplain harvesting, or whether this House restarts unregulated floodplain harvesting by disallowing the regulation. This Government is committed to ending unregulated floodplain harvesting and giving a fair go to all water users in the Murray-Darling Basin. We are already seeing the benefits of implementing the policy, which includes transitional arrangements allowing the first ever temporary water restriction to be placed on floodplain harvesting from northern basin flood plains.

Temporary restrictions imposed during February 2020 were crucial to maximising the contribution of floodplain water to support a first flush along the entire length of the Barwon and Darling rivers to meet critical human and environmental needs. Water NSW now expects 150 gigalitres to 170 gigalitres to enter Menindee Lakes. Our approach in managing water during the drought is working: Towns are getting the flows they need for water when rain comes; the river is being refreshed, which is helping fish and birds along the Barwon Darling; and, once these needs are met after a long dry period, farmers are taking water to farm.

Water has reached the towns of Walgett, Brewarrina, and Bourke. The rivers are flowing; it is heart warming to see that flow run through those towns. We are bringing the water down the river and it will be at Menindee within a month. Our policy is working. Undermining this regulation will not help these towns. The Government does not support this motion to refer the matter to a committee.

**The Hon. ROD ROBERTS (21:51:43):** Just like my colleague the Hon. Mark Latham, I support the motion moved by the Hon. Mick Veitch. We appear to have an ad hoc system. One moment a Minister imposes an embargo and the next minute the embargo is lifted. Within a couple of days the embargo is reimposed with no notice and no consultation. No-one is a winner in this type of administration of the State's water system. We need a clear and transparent process. We need to provide clarity and therefore certainty to users of the system. This Minister's decision in relation to floodplain harvesting does nothing to appease the suspicion surrounding the operation of water allocation in this State. Therefore, I support the motion moved by the Hon. Mick Veitch.

**Mr JUSTIN FIELD (21:52:41):** If ever there were justification for the need for this inquiry the Government's contribution confirmed it. It is pretty clear that the Hon. Sam Faraway does not know what this regulation is about. As the Hon. Mick Veitch said, the reality is that farmers at both ends of the basin—key stakeholder groups and communities that rely on and were expecting these flows—have no idea why this regulation was put in place. We understand that embargoes were put in place and then lifted, but the need for this regulation is actually the core question. I moved the disallowance motion. I supported the referral to the committee. I do not know whether it was good or bad or whether it was needed. I have sought legal advice on this matter. There is uncertainty amongst the best legal minds on water management about what this does.

To be clear, the Government has a process for getting through to the permanent endorsement of a floodplain harvesting scheme in New South Wales and at the end of that comes a licensing arrangement that, as I understand it, is not due to be completed until the middle 2021. With some flows coming down the rivers we have a regulation—somehow it will manage the unlicensed, unregulated use of these floodplain works—that has been rushed in all of a sudden, seemingly to empower the ability to put on and lift embargoes. That may well be the case but why were there temporary embargoes and a permanent regulation? I am concerned we have seen the backdoor approval of a bunch of works that will never go through the due diligence that the Government has said it would follow. Ultimately, we will end up with a licensing arrangement in the middle of 2021. The Murray-Darling Basin Plan will not work if we get that wrong.

We are not talking about little bits of water. We are talking about as much as 2,000 to 4,000 gigalitres of water that could be trapped in floodplain-harvesting storages. That is a big chunk. This undermines the entire plan and the entire future of those communities and of the river. Let us look at how the orders relate to the regulation. We will all be the wiser for it and will be able to make a judgement whether to disallow this regulation once we have seen the evidence presented to the inquiry. Hopefully the Minister will front the inquiry and explain herself.

**Ms CATE FAEHRMANN (21:55:10):** The Greens will support the motion moved by the Hon. Mick Veitch. This is essentially about transparency. A lot of communities up and down the basin have been very confused and alarmed at the Minister's actions. The role of the upper House is to refer these types of matters to committee to get answers for the public and, indeed, for members in this Chamber. As Mr Justin Field has said, we have seen the Minister flip-flop on this issue. Farming groups are incredibly confused. Yes, it is a big chunk of water and I am not sure whether we will see that water down in the Menindee Lakes in a month's time, as the Hon. Sam Faraway promised tonight. We must ensure that this regulation has been made based on the best evidence and the best science and not on the basis of vested interests and everything else we have heard and read about that would suggest that is not the case. The best thing we can do is refer this matter to a committee so that the public can hear about everything that has occurred. I commend the motion to the House.

**The Hon. MICK VEITCH (21:56:31):** In reply: I clarify for the Hon. Sam Faraway that we are not speaking to a disallowance motion of the regulation. This motion is to refer the regulation to the Regulation Committee for an inquiry. A disallowance motion will come later. The inquiry will provide the evidence and information that members can draw upon to determine their position in the debate. As I said, this is not a disallowance motion; this motion is to refer the regulation to a committee inquiry. I think the member may have been given a dud speech. When the Minister says, "Read this", maybe the member should read it before he gets to the lectern. I thank all honourable members for their contributions. I commend the motion to the House.

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

**The House divided.**

Ayes ..... 19  
Noes ..... 11  
Majority..... 8

#### AYES

Banasiak  
Buttigieg (teller)  
Field  
Jackson  
Moriarty  
Roberts  
Veitch

Borsak  
D'Adam (teller)  
Houssos  
Latham  
Moselmane  
Sharpe

Boyd  
Faehrmann  
Hurst  
Mookhey  
Pearson  
Shoebridge

#### NOES

Amato  
Harwin  
Martin  
Tudehope

Faraway (teller)  
Maclaren-Jones (teller)  
Mitchell  
Ward

Franklin  
Mallard  
Taylor

#### PAIRS

Donnelly  
Graham  
Primrose  
Searle  
Secord

Ajaka  
Cusack  
Fang  
Farlow  
Mason-Cox

**Motion agreed to.**

*Adjournment Debate*

#### ADJOURNMENT

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

That this House do now adjourn.

#### CLAYMORE SCHOOL STUDENT ASSESSMENT

**The Hon. MARK LATHAM (22:04:08):** It is fair to say that there is no Sydney suburb with a more unfairly maligned public image than Claymore, the public housing estate at Campbelltown. Last week it was my pleasure to visit Claymore Public School and I can report to the House a Claymore good-news story. Over the past 10 years the school's NAPLAN results have shown a noticeable upward spike and very fine improvements in all the basic skills. For instance, the number of students in the lowest band of reading at the school fell from 13 per cent to 6 per cent. In grammar and punctuation, the number dropped from 20 per cent to 11 per cent. In writing, it dropped from 22 per cent to just 6 per cent and, in numeracy, it dropped from 23 per cent to 8 per cent. The number of year 3 students in the highest band in reading rose from zero to 6 per cent. Over the past decade there was an improvement in band 5 from 2 per cent to 19 per cent. There was an increase of 2 per cent to 8 per cent in the highest band. In band 5 for numeracy there was an increase from zero to 19 per cent. They are very good improvements.



There is still a long way to go and more work to be done, but it is an upwards trend that is welcome in a New South Wales school system that, as we know, has had some of the fastest falling results in the world. How have they achieved those results at Claymore, a too-often maligned public housing estate in Campbelltown? The school used its equity funding to good effect. It improved behavioural standards in the classroom, engaged in data- and evidence-based learning and adopted the visible learning approach of John Hattie, who has done so much effective work to measure schools. The school has achieved those results in the past five to 10 years. It has also taken what I think is a very interesting approach.

A decade ago the Claymore teachers were very much trying to target the very bottom group. They found that for all their efforts and concentration of resources on the very weakest students, they were not able to lift them up. About five or six years ago they took a different approach to try to get a rising tide to lift the whole boat. They decided to try to lift the whole school up. They achieved that at the higher levels and weaker levels of the school. That goes to show that if we try to lift all students up there is a demonstration effect in the classroom and the playground. The weaker students take inspiration when they socialise with the stronger students and everyone gets the benefit of a school that is moving in the right direction.

The problem they have at Claymore relates to teacher churn. It is fair to say that teachers are not lining up at the front of Claymore Public School wanting to sign up. The school gets new teachers and temporary teachers—it gets a big churn of teachers. Instability in the staffing entitlement is an issue. John Hattie's research shows that the highest positive effect a school can have is called "collective efficacy" whereby the whole school is moving in one direction—in pedagogy and professional development. Teachers do not have a random opportunity to do their own thing in the classroom; the whole school moves together. Instead of having seven different one-year experiences, the students have one seven-year experience at a primary school. The challenge for the New South Wales Government is to find ways of stabilising the staffing entitlement to end the churn. One way of getting that stability is giving principals 100 per cent control over staffing instead of the current arrangement, where they only have 50 per cent. Put them on performance-based contracts and allow them to hire staff. At Claymore that would deliver greater stability and build on the improvements measured over the past 10 years but, effectively, coming over the past five or six years.

My other recommendation to government Ministers would be to finish, at long last, the Claymore public housing redevelopment. That was started under the former Labor government. In a moment of madness, the O'Farrell Government cancelled that program. For 10 years or more disadvantaged people in Claymore have been living in a construction zone. Who would want to live like that? When I was the Federal member for Werriwa and Craig Knowles was the State member for Macquarie Fields and a Cabinet Minister in the Carr Government, I can proudly say we started the Minto redevelopment. That has had a fantastic outcome. It has changed from 100 per cent public housing to a mix of public and private. People can look up the street and see the demonstration effect—the role models of parents going to work.

The school at Minto has received enormous benefit. I can proudly say, after visiting the school again, that Minto Public School is knocking back out-of-area enrolments. Some of its year 6 students have gone through to Hurlstone selective high school and Sydney Girls High School. As the school has improved, so has the suburb. Let us do the same at Claymore. Let us finish the housing redevelopment and back the teachers who are doing some very fine work.

## GAY AND TRANSGENDER HATE CRIMES

**The Hon. SHAYNE MALLARD (22:11:49):** It is not often that a play is produced that deals with the core issues of a current parliamentary inquiry. However, that is the case with the play showing at the Old Fitz Theatre at Woolloomooloo called *Our Blood Runs in the Street*. Last Sunday I had the privilege of attending the world premiere of the play and participating in a post-play panel to discuss the issues portrayed as well as the current Legislative Council Standing Committee on Social Issues inquiry into Gay and Transgender hate crimes between 1970 and 2010, of which I am chair. An inquiry chair does not often get the chance to sit amongst victims, their supporters and families, and watch a powerful play that so clearly presents the issues raised by that inquiry and then join in a panel to explain the work of the parliamentary inquiry. The play is energetic, emotional, and well written and produced. It deals with the violence against gay and transgender people in Sydney in the 1970s, which continues to some extent today.

I paraphrase from the publicity material: In this landmark production, Shane Anthony—a writer and producer—and his ensemble of amazing young dancers and actors have taken as their starting point interviews with real people affected by hate crimes. Drawing on the words of the victims' family members, witnesses, historians, police officers, journalists, writers, authors and researchers, they have created a searing and unapologetic look at how cultural prejudice and bias have contributed to violence against gay and transgender people. As members are aware, the upper House reopened the Legislative Council Standing Committee on Social Issues inquiry into Gay and Transgender hate crimes between 1970 and 2010 to delve further into the State's

shameful history of persecution, violence—including murders—against LGBTQI Australians. Submissions to the inquiry close in just a few days' time, at the end of February.

The first report of that inquiry was tabled in the House before the election. The House gave a commitment to allow more time so the committee could hear all the stories of victims, family and friends to examine the cultural and institutional factors that allowed the violence to flourish right under our noses. It occurred mostly in suburban Sydney—Bondi, Tamarama, Moore Park, Alexandria, Manly, Nora Head and Rushcutters Bay—but also further afield in Wollongong to Newcastle and even further still. The LGBTQI community has high expectations that the committee's report will put on record the stories of the crimes committed, many of which remain unsolved. The community expects justice for the many victims and their families and, importantly, answers as to why that crime spree flourished under the noses of our police, our legal system, our churches, our medical system and the media.

The play, which lasts for little over an hour, is supported by ACON. I again congratulate ACON, and in particular Michael Atkinson, its program manager of safety, inclusion and historical justice, for its outstanding leadership of the community in so many aspects. ACON has been a huge support to this and the previous inquiry. The play very much takes its lead from ACON's landmark report entitled *In Pursuit of Truth and Justice*, which in itself is a key reference point for the gay hate crime inquiry. The hate crimes that devastated and terrified the LGBTQI communities from the 1970s were an example of the deplorable level of indifference and injustice suffered by the community over that time. Many of the crimes remain unsolved, including horrendous assaults and murders. We know that many of those perpetrators—those murderers, those gangs of murderers—still walk free amongst us today. One hopes that the community responses such as this powerful play, the gay hate inquiry of the Parliament, and renewed understanding and interest from the police, media and the community will shine a bright light of justice for the victims and perhaps prevent future hate crimes. However, I must report to the House that there is clear evidence that gay and transgender hate crime dwells in dark corners of our society today.

Only last year Mr Peter Keeley, a schoolteacher from Canberra, was lured to his gruesome murder in bushland, allegedly by a young man he met via a gay hook-up app. Once there, two other young men aged 17 arrived and participated in the bashing and murder of Mr Keeley. Arrests have been made by police but they will not confirm in their view that this is a gay hate crime. They are pursuing other courses of inquiry. In September 2019 Melody Polan Bruno, a Filipina trans woman, was murdered in Wagga. Police suggest that sex work or drugs were involved. They do not see it as a transgender hate crime; the killer has been charged with manslaughter. I do not think the community agrees with those assessments. I quote from the *Sydney Star Observer* of 5 April 1991, a quote from which the play gets its dramatic name. It states:

Our blood runs in the streets and in the parks and in casualty and in the morgue ...

...

Our own blood, the blood of our brothers and sisters, has been spilt too often ...

...

Our blood runs because in this country our political, educational, legal and religious systems actively encourage violence against us ...

I strongly commend to honourable members the play *Our Blood Runs in the Street*, which is at the Old Fitz Theatre, Woolloomooloo, until 21 March.

### FIREFIGHTER SAFETY EQUIPMENT

**The Hon. MARK BUTTIGIEG (22:16:59):** The Firefighter C.A.N.C.E.R.—which stands for Coalition Aiming for National Carcinogen Exposure Reduction—Coalition recently contacted me regarding serious issues that firefighters are having with inadequate respiratory protection and requested a meeting. Both the shadow emergency services Minister, Trish Doyle, and I were happy to meet with Brett Carle and Ryan Cleggett from the coalition. Their organisation is committed to minimising exposure to carcinogens and is fighting against a respiratory illness or a cancer epidemic that they say could rival asbestos exposure in years to come. We support the coalition's petition, which calls to "Provide adequate and practical respiratory protection for firefighters immediately". Some 183,877 people have supported the petition. I think it is time the Berejiklian Government did too.

Firefighters have not been provided with adequate respiratory protection. The P2 masks currently supplied to firefighters do not filter out potentially deadly toxins such as carbon monoxide, formaldehyde and benzene. Firefighters need protection against deadly toxins and carcinogens that cause cancer and they should not be given cheap, inadequate masks. We know there are many other masks that can do the job of minimising the risks. Yesterday the ABC reported the Hon. Brad Hazzard as stating that the Medical Research Future Fund has funding for research into the health effects of bushfire smoke. The firefighter coalition says the research has been done.

We know that the current masks do not protect against cancer-causing agents. We know that a large amount of firefighters hate using them as they are ineffective and the masks are urgently required now.

Research from the *American Journal of Industrial Medicine* in 2006 says the filter in the P masks is designed for filtering out particles and was ineffective in filtering out the cancer-causing compounds in bushfire smoke. Further research from the same journal in 2008 revealed that a two-hour test under bushfire smoke conditions showed that the masks worn by our firefighters are ineffective in filtering out irritants. Shortness of breath increases and there is a significant decline in lung function following exposure. It is disgraceful that firefighters have stated they need to wear wet nappies as their current masks are inadequate. The Berejiklian Government can do and should be doing more to support our amazing firefighters in their urgent need for the right equipment. The Firefighter C.A.N.C.E.R. Coalition has a number of testimonials from firefighters, including one firefighter saying:

When I used the ones supplied they were useless for me. My asthma has been getting worse and I have had to take a break until I can afford to purchase a mask.

When using the proper masks that were donated or purchased themselves, firefighters told the Firefighter C.A.N.C.E.R. Coalition that it was much easier to breathe and they experienced less inflamed throats, headaches and smoke inhalation. So many have not purchased these masks or been provided with them through crowdfunding. Firefighters are risking their lives in the most hazardous conditions and they should not be forced to supply their own essential safety equipment or rely on crowdfunding.

RFS member Mike Maria passed away following a 10-month fight with acute myeloid leukaemia. He was just 26 years old. The cancer developed as a result of his time as a firefighter. Yesterday SBS reported that Mike's wife, Amelia, who serves as an RFS volunteer, used over \$6,000 of her own money to purchase appropriate masks for the Queanbeyan RFS. Amelia wants to ensure that her brigade and others do not end up with the circumstances that her husband endured. I pay tribute to Mike Maria and I thank his wife, Amelia, for raising awareness around the ineffectiveness of the current masks that are supplied and for highlighting this highly significant issue. I also thank Brett Carle and Ryan Cleggett from the Firefighter C.A.N.C.E.R. Coalition for their work in trying to ensure that the best protection is provided for our firefighters. Trish Doyle, MP, and I will continue to wholeheartedly support their fight to attain equipment that will help keep them alive and protect their safety.

### COAL SEAM GAS

**Mr JUSTIN FIELD (22:22:00):** Today Portfolio Committee No. 4 handed down its report entitled *Implementation of the recommendations contained in the NSW Chief Scientist's Independent Review of Coal Seam Gas Activities in New South Wales*. You cannot describe this report as anything other than scathing of the New South Wales Government. In total, 14 of the chief scientist's 16 recommendations have not been fully implemented. Some history is important here. After years of community activism against widespread coal seam gas exploration and plans across the State, the Government was forced—through community and electoral pressure, including losing seats over the issue and the support of many farmers—to act, tasking the New South Wales chief scientist to conduct a review of the industry. On 13 November 2014 then resources Minister Anthony Roberts announced the Government's NSW Gas Plan in response to the report by New South Wales chief scientist Mary O'Kane's *Independent Review of Coal Seam Gas Activities in New South Wales*. His press release said:

The NSW Gas Plan adopts all the recommendations in the Final Report of the Independent Review of Coal Seam Gas Activities.

Mr Roberts said that in adopting all the recommendations of the chief scientist's final report, the New South Wales Government was listening to the concerns of the community, industry and independents experts in the coal seam gas field. Finally, Mr Roberts noted that the report concluded that the risks of coal seam gas development could be effectively managed with the right regulation, engineering solutions and ongoing management.

Today's Portfolio Committee No. 4 report says that the NSW Gas Plan has failed dismally. The recommendations the Government said were about listening to the community have not been implemented. The Minister acknowledged the report concluded that the risks of coal seam gas could be managed with the implementation of the recommendations. But the Government has not implemented those recommendations. Now we see it has not even been close to implementing those recommendations. This is no small failing. The committee found that eight of the 16 recommendations have not been implemented at all. Half of all the recommendations have not been implemented. Another six were found to have been only partially implemented. Just two have been fully implemented.

These are not small things. The core of the chief scientist's findings is in the recommendations that have failed to be implemented. The creation of an expert standing advisory body was recommended. It was not created. The full recovery of the regulatory costs of coal seam gas activities was not implemented, despite the fact it is costing the people of New South Wales \$3.75 million to fund the Environment Protection Authority to regulate and enforce those regulations. A single Act for all onshore sub-surface resources was not created. A

comprehensive policy of appropriate insurance to ensure financial protection for the short and long term—to protect landholders, farmers, who are the constituents of the New South Wales Coalition, and particularly the National Party—was not implemented. That sort of insurance is not even available. The creation of a tool to measure and assess the cumulative risks of the industry was not done. I could go on. It has been an absolute train wreck.

The committee's findings, based on the evidence we heard, stand in stark contrast to the Government's submission that all but two recommendations have been implemented. That has been shown to be an absolute lie. The Government unashamedly tried to mislead the committee and the public. Under questioning, its assertions that recommendations had been implemented fell apart. As for Santos and the Australian Petroleum Production and Exploration Association—the gas industry lobby—what do you know? Shock horror! Their submissions to the committee exactly reflected the Government's submission. In part, it was word for word. But the jig is up. The Gas Plan has failed and the promises of this industry have been shown to be hollow. How timely is it that today Australian Competition and Consumer Commission Chairman Rod Sims came out slamming the gas industry and accusing it of misleading governments, sending power prices soaring and killing off companies and jobs? This is an industry with few friends indeed—except, of course, in the New South Wales Coalition.

This is a test for The Nationals, and especially for their leader and Deputy Premier, John Barilaro, as New South Wales resources Minister. The Nationals have hung their hat on the NSW Gas Plan as a way to protect farmers in regional New South Wales but this report has shown it to be full of holes and a fraud. Right now the Government is considering Santos' proposal to put 850 gas wells in the Pilliga near Narrabri. That project should not go ahead. The clearest way to address the risks of this industry is with immediate, clear legislative action to put a moratorium on coal seam gas exploration in New South Wales.

### THE SMASHED PROJECT

**The Hon. BEN FRANKLIN (22:26:59):** I speak tonight on a unique and important program called The Smashed Project. The Smashed Project is dedicated to breaking the culture of under-age drinking and reducing alcohol-related harm amongst young people in Australia and around the world. It is a theatre in education program that uses performance and workshops to help bring about behavioural and attitudinal change towards alcohol. In its 14-year history more than 700,000 young people have seen the performance in 23 different countries all over the world. Originating in the United Kingdom in 2004, The Smashed Project was born through recognising that storytelling is one of the most powerful learning tools and that an engaging way to get through to students is with theatre-based education.

Over the past decade and a half The Smashed Project has had global success in increasing knowledge, empowering young people and reducing the social acceptability of under-age drinking. The program was established in Australia in 2018 by Gibber, a drama-based learning organisation, working in partnership with Diageo, and so far over 171 schools have seen the performance. The 2019 Australian data for The Smashed Project shows that after seeing the performance 91 per cent of students felt equipped to make the right choices about under-age drinking and 98 per cent of students said they were less likely to engage in under-age drinking. The data from educators at schools who have seen the performance shows that 100 per cent of teachers said they would like to see the program return to their school and felt that every student who participated in The Smashed Project knew more about the dangers of alcohol.

On Tuesday 25 February I was privileged to see the performance here at Parliament House, and I cannot speak highly enough of this award-winning program. I was absolutely captivated by the production and the innovative way that the performance brings home important messages to high school age students in relation to alcohol. The performance is incredibly relatable for young people, with the youthful cast playing out very real scenarios that many teenagers are likely to find themselves in or have already been exposed to. The program is also free for all schools thanks to the sponsorship of Diageo, an Australian premium spirits company. It is great to see a company such as Diageo taking such a positive approach to social responsibility and support breaking the culture of under-age drinking.

I commend Jules Norton Selzer, Amanda Lampe and the entire team behind The Smashed Project for their initiative. The best thing about the program is that it is real. It understands that high school students may be exposed to alcohol in many different ways before they turn 18 and it provides them with information on how to deal with it, how to access helpful resources and how to support their friends because we all know that high school is not always a bed of roses. Young people come across many challenging situations, which are hard to navigate. The program is important in providing an access point for young people to learn about alcohol and the dangers and risks associated with under-age drinking, but, most importantly, where to get help with alcohol-related issues.

So far, over 55,000 students across New South Wales, Queensland, Victoria and the Australian Capital Territory have seen the theatre in education program since it was launched here in May 2018. The students have

been given the opportunity to learn tactics to help deal with peer pressure surrounding alcohol. I acknowledge the wonderful efforts of the whole team from Gibber and Diageo for bringing the project to life in Australia and making it available to young people in New South Wales. I congratulate Gibber Technical Director Tim Watt, Creative Director Vicky Blackburn and the brilliant young performers—Nick Sinclair, Charlie Smith and Ashleigh Denning—on making it such a success.

The Smashed Project kicked off its New South Wales tour schedule this year on 10 February at Marsden High School in West Ryde and is visiting schools in Sydney and throughout our regional areas. It is great that so many students will see the performance but I am particularly delighted that the tour will visit schools in many of our regional towns. Sometimes it can be more difficult for regional areas to have access to these kinds of programs, but The Smashed Project will travel from Cowra to Cooma, Mudgee, Orange, Bathurst, Dubbo and many schools in between. I encourage schools to consider hosting The Smashed Project, and the New South Wales education department more broadly to support the important initiative. I look forward to watching the continued growth of this excellent program throughout New South Wales and beyond.

### MENTAL HEALTH SERVICES

**The Hon. TARA MORIARTY (22:31:45):** I recognise a couple of community organisations that I have met with lately that are doing fantastic work across New South Wales. The organisations work tirelessly with little thanks or recognition, helping and supporting people with mental health issues. Southern Youth and Family Services is a terrific organisation based in the Illawarra that works with and supports vulnerable, disadvantaged and homeless young people or those at risk of disadvantage or homelessness. By working with foster parents, grandparents, siblings and families of at-risk young people, Southern Youth and Family Services provides supported accommodation, community social housing, counselling, mediation, support and the delivery of a range of programs to improve the living situation of young people and their families.

Recently I had the pleasure of meeting with Lisa and the team to hear about the issues facing young people across the Illawarra and the Shoalhaven. Their passion for helping disadvantaged young people expand their opportunities and find a stable environment to live in is commendable. Young people often feel like they do not have a voice. They feel they can be stuck in terrible situations with no way out. Through the work of Southern Youth and Family Services, vulnerable people are given the opportunity to find stability and a better life. I thank all the staff at Southern Youth and Family Services for their fantastic work.

Recently I also had the pleasure of visiting Community Links Wellbeing in Bowral. Community Links Wellbeing works with individuals, families and communities across the Wollondilly, Camden and Campbelltown local government areas to build a strong and viable community infrastructure program that can support disadvantaged and vulnerable members of the community and provide them with the capacity to manage their lives effectively. At a meeting at ReFrame, the Community Links Wellbeing youth mental health service in Bowral, I was able to hear about the unique challenges facing young people across the Southern Highlands, which has high unemployment, areas of disadvantage and limited services across the region.

ReFrame provides a service to young people with stress, anxiety or worry, depression, feelings of sadness, physical health concerns, and family and relationship hardships. Providing a unique service for the region, ReFrame allows for a more flexible program that enables clinicians to meet young people where they feel most comfortable—whether it be at home, at school or in a public place. I thank the staff at Community Links Wellbeing and at ReFrame for all the work they do across the Wollondilly shire.

Tonight the Men's Table support group had their official launch. Run by Ben Hughes and David Pointon, the Men's Table is an organisation that enables men to get together to discuss their mental health. Beginning in 2011 with a group of 12 friends, the organisation has now expanded a great deal. A 2018 Relationships Australia report found that men are more likely to experience loneliness than women, 40 per cent of single fathers report emotional loneliness and a lack of social support, widowed men and retirees report high rates of loneliness, and men experiencing financial stress are also more likely to be lonely. The Men's Table aims at tackling the feeling of loneliness through creating a peer support network for men to share openly about their lives, their challenges and their highs and lows with a group of men whom they learn to trust and respect. It is a great concept and they are going from strength to strength. It is a crucial service that works to bring the community together.

Last, but certainly not least, I acknowledge Flourish Australia, which is an organisation that helps individuals across the State in a number of ways. Whether it is finding meaningful employment or a place to call home, making new friends or developing new skills and interests, they connect individuals with the right people, support services and opportunities to go after their goals. With more than 50 per cent of the people they employ having had a lived experience of a mental health issue, they believe peer support is a powerful part of the mental health recovery journey. I was recently in Tumut and I had the pleasure of meeting with members of the local Flourish team who briefed me on the unique challenges facing that area. From drought to bushfire to job

insecurities, Tumut and the Riverina region have suffered many difficulties over the past few months and years. I thank the Flourish team for the great work they do in assisting people with mental illness to live and work in the community. I also thank the many other groups across the State who provide a valuable service to those who need it.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 22:36 until Tuesday 24 March 2020 at 14:30.**