



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 3 June 2020

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 3 June 2020

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

The PRESIDENT read the prayers.

Documents

SMALL BUSINESS COMMISSIONER

Reports

The PRESIDENT: According to the Small Business Commissioner Act 2013, I table the annual report of the Interim Small Business Commissioner for the year ended 31 December 2019.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

YOUNG HIGH SCHOOL JOINT USE LIBRARY AND COMMUNITY FACILITY

Production of Documents: Order

The Hon. MICK VEITCH (10:02:57): I seek leave to amend private members' business item No. 513 outside the order of precedence for today of which I have given notice by omitting "28 days" and inserting instead "45 days".

Leave granted.

The Hon. MICK VEITCH: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 45 days of the date of passing of this resolution the following documents created since 1 January 2017 in the possession, custody or control of the Department of Education, the Minister for Education and Early Childhood Learning, the Department of Planning, Industry and Environment, the Minister for Planning and Public Spaces, the Minister for Local Government, or the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade:

- (a) all documents relating to the Young High School Joint Use Library and Community Facility; 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.

Motion agreed to.

Motions

FATALITY FREE FRIDAY

The Hon. MICK VEITCH (10:03:45): I move:

That this House notes that:

- (a) Friday 29 May 2020 was Fatality Free Friday, a national road safety event organised by the Australian Road Safety Foundation;
- (b) this important and vital campaign aims to achieve one day of the year that is free of any road deaths;
- (c) Fatality Free Friday strives to eliminate the tragic loss of lives on Australian roads by promoting the need for safety-conscious driving;
- (d) in 2020 the Australian Road Safety Foundation created a digital mosaic artwork that featured 1,195 images of everyday people, including families of road trauma victims, first responders, community road safety advocates and those directly affected by road trauma;
- (e) the mosaic was in memory of the 1,195 people who tragically lost their lives on Australian roads in 2019; and
- (f) Fatality Free Friday serves as an important annual reminder to choose road safety by making a personal commitment to safer behaviour and smarter choices behind the wheel.

Motion agreed to.

INTERNATIONAL HOSPITAL CLEANERS DAY

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

- (1) That this House:
 - (a) notes that 15 June 2020 is International Hospital Cleaners Day; and
 - (b) acknowledges the valuable role hospital cleaners play in the New South Wales health system ensuring our hospitals remain free of infection outbreak by:
 - (i) cleaning patients' rooms, wards and public areas;
 - (ii) changing linens, washing mattresses and making beds; and
 - (iii) disinfecting and sterilising equipment and supplies.
- (2) That this House:
 - (a) thanks hospital cleaners for their hard work every day in protecting patients, healthcare workers, including doctors and nurses, and the public, especially during the COVID-19 pandemic; and
 - (b) acknowledges and thanks the Health Services Union for their advocacy for and support of hospital cleaners.

Motion agreed to.

*Documents***UNPROCLAIMED LEGISLATION**

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 2 June 2020.

*Notices***PRESENTATION**

[During the giving of notices of motions]

The PRESIDENT: I remind the Deputy President of one of his past rulings in which he indicated that members should be allowed to give their notices of motions in silence and without interjection. It was an excellent ruling.

*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 order of private members' business this day.

Motion agreed to.

ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES (10:12:52): I move:

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

- (1) Private members' business item No. 490 outside the order of precedence standing in the name of the Hon. Mark Banasiak relating to the Water Management Amendment (Transparency of Water Rights) Bill.
- (2) Private members' business item No. 517 outside the order of precedence standing in the name of the Hon. Mark Buttigieg relating to the Building Amendment (Mechanical Services and Medical Gas Work) Bill.
- (3) Private members' business item No. 507 outside the order of precedence standing in the name of the Hon. Mick Veitch relating to the Water Management Amendment (Water Allocations—Drought Information) Bill.
- (4) Private members' business item No. 458 outside the order of precedence standing in the name of Mr David Shoebridge relating to the Rural Fires Amendment (NSW RFS and Brigades Donations Fund) Bill.
- (5) Private members' business item No. 328 outside the order of precedence standing in the name of the Hon. Taylor Martin relating to Gone Fishing Day 2019.

- (6) Private members' business item No. 511 outside the order of precedence standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding economic modelling on public sector wages.
- (7) Private members' business item No. 485 outside the order of precedence standing in the name of the Hon. Sam Farraway relating to mental health support during the COVID-19 pandemic.
- (8) Private members' business item No. 521 outside the order of precedence standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding site visits undertaken by the NSW Building Commissioner.
- (9) Private members' business item No. 523 outside the order of precedence standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding complaints and referrals regarding unlicensed electricians.
- (10) Private members' business item No. 508 outside the order of precedence standing in the name of Ms Abigail Boyd relating to the economic recovery from the COVID-19 pandemic.
- (11) Private members' business item No. 525 outside the order of precedence standing in the name of the Hon. Rose Jackson relating to the impact of the COVID-19 pandemic on young people and students.
- (12) Private members' business item No. 488 outside the order of precedence standing in the name of the Hon. Natasha Maclaren-Jones relating to the 75th anniversary of Victory in Europe Day.
- (13) Private members' business item No. 528 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to an order for papers regarding the Principal Bike Network Plan for Sydney.
- (14) Private members' business item No. 496 outside the order of precedence standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding Stronger Country Communities Fund grants.
- (15) Private members' business item No. 512 outside the order of precedence standing in the name of Ms Cate Faehrmann relating to the redevelopment of the West Pennant Hills IBM site.
- (16) Private members' business item No. 487 outside the order of precedence standing in the name of the Hon. Robert Borsak relating to an order for papers regarding the *Ruby Princess* cruise ship.
- (17) Private members' business item No. 527 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers regarding footage of a collision involving the Minister for Police and Emergency Services.
- (18) Private members' business item No. 3 inside the order of precedence standing in the name of Mr Justin Field relating to the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019.
- (19) Private members' business item No. 215 outside the order of precedence standing in the name of Reverend the Hon. Fred Nile relating to the Child Protection (Nicole's Law) Bill 2019.

I indicate that the private members' business items listed at paragraph Nos 5 to 11 and 13 to 17 in the motion will be considered in the short form format.

Mr DAVID SHOEBRIDGE (10:16:06): I move:

That the motion be amended by omitting paragraph (17) and inserting instead:

- (17) Private members' business item No. 520 outside the order of precedence standing in the name of Mr David Shoebridge relating to an order for papers regarding the Stronger Communities Fund.

The Hon. NATASHA MACLAREN-JONES (10:17:32): I outline to the House the process of how we come to formulate the list, which used to be on Wednesday but now is on Tuesday. Members are asked to provide the list in writing, which allows the committee to agree. I am mindful that those meetings have now moved to Tuesday in order to have private members' business on Wednesday and that the time has changed. Having said that, the Government will not be opposing the amendment. The main reason we do that is to ensure that all members have an opportunity to see what is on the *Notice Paper*. Every member has someone from their party represented at that meeting. We want to avoid in the future situations where members are not given enough notice on private members' day to be able to fully debate a motion.

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

Amendment agreed to.

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

Motion as amended agreed to.

Sessional Orders

SCHEDULE OF PRIVATE MEMBERS' BUSINESS

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:20:56): By leave:
I move:

That, for the remainder of the current session, and unless otherwise ordered, Standing Order 184 for the consideration of private members' business, Standing Order 185 for the conduct of the draw for precedence of private members' business, and the sessional order for the substitution of items in the order of precedence, be suspended.

Members who have been in this place a lot longer than I have would be aware of this process, which has been replaced by a meeting of the Whips and leaders of the various parties for reaching an agreement, as so wonderfully articulated by the Government Whip in relation to the previous motion. The standing orders as they currently exist appear by and large to be redundant. There is nothing to stop them being reintroduced at some stage in the future should the House determine that it is a more appropriate way to settle its business. I think the agreement to the suspension of the standing orders makes entire sense and I urge members to support the motion.

Motion agreed to.

Rulings

REFLECTIONS ON OTHER MEMBERS

The PRESIDENT (10:21:10): Yesterday during debate on the motion to take note of answers, the Leader of the Opposition took a point of order on the contribution of the Hon. Wes Fang on the basis that Mr Fang was reflecting on another member and, if he was to do so, he should do so by way of substantive motion. I reserved on the matter so as not to take up the remaining debate time. I have examined the draft *Hansard* transcript, which states:

The Hon. WES FANG (18:53): I rise to take note of answers given today, in particular the answers given by my good friend and colleague the education Minister, about what schools are doing in light of the COVID-19 pandemic that we are currently seeing. I also counter the extraordinary contribution just made by the Hon. Courtney Houssos. In what I would consider to be a semi-tantrum/complaint about—

Sadly, the sentence is not completed, either because the Hon. Adam Searle commenced his point of order or, because as I have said, it is a draft transcript. It continues:

The Hon. Adam Searle: Point of order: The member is clearly reflecting on another member. Under our standing orders he must do so by way of substantive motion, not in this sleazy way that he is trying to do now.

I am not commenting on that part. It continues:

The Hon. WES FANG: To the point of order: I said that the contribution was a tantrum, not that the member was having a tantrum. Therefore, I would—

Again, the sentence is not completed, either because I commenced speaking or because of it being a draft. This is a serious matter, so I ask for the attention of honourable members. It could be perceived that the comments made by the Hon. Wes Fang were a reflection on the manner in which the Hon. Courtney Houssos delivered her contribution or, carefully reading, as I have said on a number of occasions, that the contribution was the tantrum. In any event, I do not believe either aspect is appropriate. I encourage all members to focus on the substantive issues being debated and avoid reflecting upon the manner of other members' contributions. While I expect debate in the Chamber to be robust, it should never be personal. Being personal in no way contributes to the debate, nor does it assist the Chair.

Bills

WATER MANAGEMENT AMENDMENT (TRANSPARENCY OF WATER RIGHTS) BILL 2020

First Reading

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

Second Reading Speech

The Hon. MARK BANASIAK (10:24:46): I move:

That this bill be now read a second time.

It is my pleasure to introduce the Water Management Amendment (Transparency of Water Rights) Bill 2020. My colleague and member for Murray, Helen Dalton, introduced the bill in the other place, the purpose of which is to end the secrecy around water ownership in the State—and there is a lot of it. Ever since water was separated from land and became an individual property right, there have been many issues around registering and providing public transparency on water ownership. There should be no difference in the treatment of property rights and water rights when it comes to the pecuniary interests of members of Parliament, yet for some reason there is no necessity for members of Parliament to announce their interests in water.

New South Wales has been in drought for a long time. We have towns that have been out of water for such a long time and there are children out there who have never seen rain. In the current climate, water is a commodity. It is an asset to be traded. In times of drought it is arguably the most important asset, the demand of which can send prices skyrocketing. A lot of money can be made if one has water entitlements. It would make sense that, as a member of Parliament, if one owns water entitlements and one is legislating on issues relating to water that it would be in the public's interest that one registers that interest. It is very simple.

So why the push back? Well, because there is a lot of money to be made if one knows how to exploit the system. We need to ensure that does not happen. There are three things that this bill does to ensure that does not happen. Firstly, it will change the pecuniary interest form for New South Wales members of Parliament so they will have to declare any water they have owned over the past five years and any water that their spouses own. I remind members that the member for Murray actually did that before this bill even came to Parliament. The bill changes the application process for getting a water licence so people cannot hide their identity—

The Hon. Penny Sharpe: Point of order: The Hon. Wes Fang has already lost one motion yesterday in relation to his conduct in the Chamber. He is continually interrupting the Hon. Mark Banasiak. I ask you to call him to order and for him to cease interjecting.

The PRESIDENT: Unfortunately I was having a conversation with the Leader of the Opposition and did not hear the interjections, but I accept that the interjections are occurring. I remind all members to not interject. I announced yesterday—the Hon. Penny Sharpe was not in the Chamber—that I will not object to nor ask members to cease having louder discussions than necessary because they have to keep safe distancing, but they are to keep those to a minimum. If I need to have the member cease, I will. Members are to cease interjecting. These are not necessary discussions that must be had.

The Hon. MARK BANASIAK: Secondly, the bill changes the application process for getting a water licence so people cannot hide their identity when they apply for their licence. This includes the requirement for more information, such as major shareholders and directors of companies who apply for a water licence. Existing water licence holders are given 12 months to provide this extra information. Thirdly, the bill proposes to change the online New South Wales water register to allow people to search for the water holdings of people, companies and government departments. We have a register for land ownership, and members are required by law to disclose their property, land, gifts and income. Why is water different? Why is it so hard?

Currently, the online New South Wales water register by WaterNSW only allows one to search the water access licence number. How one accesses someone's water licence number when one does not know their name could prove tricky. No doubt it is deliberately so. There are no rules around ownership. Any company, foreign or domestic, can buy vast quantities of our most valuable resource whilst conveniently concealing its identity. Any member of Parliament can own water, even a Nationals member. Now that is a scary thought, considering the current water Minister is a National and when questioned in budget estimates hearings regarding water transparency she carries on like a recalcitrant child in the principal's office.

The Hon. Wes Fang: Point of order: We have just had a discussion about reflecting on other members. I think the member giving his second reading speech certainly made a reflection on the member for Oxley and water Minister. If the member wants to make a substantive contribution about another member I request that he do so by way of substantive motion.

The PRESIDENT: I uphold the point of order. I remind the Hon. Mark Banasiak of Standing Order 91 (3), which states:

A member may not use offensive words against either House of the Legislature, or any member of either House, and all imputations of improper motives and all personal reflections on either House, members or officers will be considered disorderly.

This is a second reading speech. Normally members are allowed to give their second reading speech without interjection and without points of order being taken. However, it is not an opportunity for a member making a second reading speech to reflect on another member of the upper House.

The Hon. MARK BANASIAK: I will move on but I will remember the hot tip from the Hon. Wes Fang.

The Hon. Wes Fang: Please do. I will give you some more.

The PRESIDENT: I call the Hon. Wes Fang to order for the first time. I said there will be no more interjections and I mean that. The Hon. Mark Banasiak will proceed.

The Hon. MARK BANASIAK: They can subsequently manipulate the price and make millions of dollars off the misery of struggling farmers. Increasing transparency of water ownership is the first step towards fixing these problems. It is easier to buy water entitlements in this State than it is to open a bank account. We need safeguards in place. The secrecy behind water ownership has contributed to much of the bad decision-making

around water and now it also has exacerbated the impact of drought. For over 20 years there have been allegations of corruption, mismanagement, insider trading, conflicts of interest, market manipulation, misuse of environmental allocations, water theft and over-extraction. What else do we need to add to this list before we start trying to right the wrongs of water management in New South Wales?

It is of the utmost importance that the bill passes this House. There are over 11,000 signatures on a petition demanding this Government lobby the Federal Government for this register and a royal commission. It is time we acted. We have talked enough about water and water management in this State. We all know what is the right thing to do and it is time we did it. I want to thank the water Minister. Only yesterday she gave notice of a similar bill in the other place. We thank the Minister for catching up with the rest of the State but there are no points for coming second. We look forward to this Liberal-Nationals Government supporting this bill. I note that should the Minister's bill be debated in this House before this bill, we will insert everything from our bill that is missing into the Minister's bill and everyone will be a winner. I commend the bill to the House.

Debate adjourned.

BUILDING AMENDMENT (MECHANICAL SERVICES AND MEDICAL GAS WORK) BILL 2020

First Reading

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

Second Reading Speech

The Hon. MARK BUTTIGIEG (10:33:24): I move:

That this bill be now read a second time.

I am pleased to present the Building Amendment (Mechanical Services and Medical Gas Work) 2020, which is a bill to amend the Home Building Act 1989. The object of the bill is to provide for the licensing of contractors and the certifying of supervisors and tradespersons who carry out mechanical services work, including medical gas systems work. The legislation is designed to prevent a repeat of the tragic events that took place at the Bankstown-Lidcombe Hospital in 2016 when two newborn babies were catastrophically administered poisonous gas instead of oxygen. A cross-connection of medical gas delivery outlets was the cause of these events. The legislation has been developed to ensure that mechanical services and medical gas works are licensed. This is a highly specialised form of plumbing work which has a great deal of complexity and requires extensive technical training to be performed safely.

The bill would make certain that safety measures are legislated in an effort to protect the public. It would also ensure that hospitals and health facilities have skilled and qualified individuals carrying out vital services. In June 2016 Benish and Danial Khan, Amelia Khan's parents, were very excited and anticipating the birth of their child. Tragically Amelia was given nitrous oxide instead of oxygen shortly after she was born. They were completely devastated to find that their baby girl was given poisonous gas, which left her with irreversible brain damage. Amelia is now also vision impaired. She will never be able to walk independently and it is unlikely she will be able to use her hands. Amelia is likely to have lifelong quadriplegic cerebral palsy and intellectual disabilities. She is also unlikely to develop speech and will be dependent on others for all aspects of her care. Amelia's amazing and incredible parents, Benish and Danial Khan, are with us today and I am incredibly thankful for them being here.

Tragically in July 2016, one month after Amelia was administered nitrous oxide, Sonya Ghanem awoke after a caesarean section and was told her baby, John, had died. Devastatingly, John also had been given nitrous oxide instead of oxygen. In May this year, four years after the tragedies, gas installer Christopher Turner pleaded guilty to failing in his duty under the Work Health and Safety Act and was given a \$100,000 fine. In September 2019 SafeWork NSW announced that charges against the health district had been dropped. SafeWork said that the local health district had entered into an enforceable undertaking and stated that the strategies from the enforcement were likely to deliver long-term sustainable safety improvements. However, the undertaking of the health district is grossly inadequate and fails to address the core issue, which is leaving people across New South Wales at extreme risk.

Currently there is no requirement in New South Wales to have a qualification or training to work with medical gas in both installation and maintenance. It is absolutely horrifying that any person without the proper training, skills, education and experience can legally perform this work, which can be highly dangerous and have extremely dire consequences. Every day that goes by, while New South Wales does not have any regulation the Berejiklian Government is allowing untrained people to install medical gas systems in our hospitals and health facilities and is risking people's lives across the State. The trauma and pain that the Khan and Ghanem families

are suffering is inconceivable. We must prevent these tragic events happening to another person's family or loved ones in our State.

Licensing is the most effective method in mitigating risks to public safety. The Victorian and Queensland governments have seen the fundamental importance of establishing a licensing regime to protect their residents. Both Victoria and Queensland have legislation in place that requires individuals to have a mechanical services and medical gas licence, which makes certain that high-risk work is carried out by individuals who are appropriately qualified. In fact, in a direct response to the tragic events that took place at Bankstown-Lidcombe Hospital, the Queensland Government passed legislation to ensure that individuals who are responsible for the installation and maintenance of medical gas pipes are licensed. On 5 September 2018, when the Queensland Government successfully passed the new laws for mechanical services and medical gas licensing, the Hon. Mick de Brenni, who is the Queensland Minister for Housing and Public Works, stated:

In 2016 parents across Australia were horrified at the tragedy that occurred in a Sydney hospital, when a baby died and another was left with brain damage due to a medical gas fitting that was connected incorrectly. ...

We haven't seen that kind of mistake made in Queensland, and I hope we never do.

To make sure we don't, our new occupational licence requirement ensures these types of installations can only be performed by individuals who are suitably qualified to perform them.

If Queensland parliamentarians are responding to the horrific tragedies that occurred in our own State and if they can see the seriousness of this urgent safety issue, I ask why cannot the New South Wales Government do the right thing by our own residents and communities? This matter should have been a priority for the Liberal-Nationals Government when that tragedy occurred, especially since it happened in our State. It needs to be a priority now. Liberal and Nationals party members should note that their colleagues in Queensland did not oppose the legislation to licence mechanical services and medical gas. They saw the legislation's importance for their communities and residents. I encourage members opposite to do the same.

There are serious concerns from industry experts that the horrific tragedies at Bankstown-Lidcombe Hospital will be repeated if there is a failure to take action to address the absence of appropriate licensing in this State. The Victorian and Queensland governments listened to industry and experts and they legislated. In New South Wales the Plumbing Trades Employees Union has been highlighting this public safety issue and has long been advocating for regulatory intervention, along with the rest of industry. The union is particularly concerned because it knows this is an area of increasing complexity and importance that remains unregulated. Major hospitals and health facilities across New South Wales have had recent projects that involved mechanical services and medical gas work. There has been a large amount of feedback regarding the lack of adequately trained and skilled people doing medical gas installations and maintenance on multiple projects. Subcontractors are commonly hired without any appropriate skills. Water plumbers without skills, training or education in the specific area are employed to do medical gas installations which require an individual with highly specialised skills and experience to safely carry out the work.

When contractors are questioned about employing people without appropriate training or experience to undertake the work, certain contractors will say that there is no enforceable standard so they are not concerned. Other contractors want to carry out safe installations and cannot find trained and skilled individuals in New South Wales who are able to conduct mechanical services and medical gas work. They are forced to hire Victorian residents, as they know those workers have sufficient qualifications and skills. Therefore, there is further support from industry to have access to qualified and skilled labour within New South Wales. The only solution to this safety issue is a licensing regime. Band-aids cannot be applied to this situation. Having further inspectors will not work when every day individuals are permitted to work in mechanical services and medical gas without any training, education, skills or experience in undertaking that high-risk work. This can have devastating consequences.

Management systems in health facilities cannot ensure that people are appropriately educated in installing medical gas pipes systems in our hospitals. Those systems will not prevent tragedies. Non-enforceable policy directives do not achieve any semblance of protection. Do members know what does work? What works is having formal qualifications and licensing requirements for mechanical services and medical gas work. Currently in New South Wales one needs to have a licence to engage in the plumbing of water. It is therefore more than reasonable that one would require a licence to undertake highly specialised plumbing work that can have life-or-death consequences. Labor believes mechanical services and medical gas plumbing require licensing to ensure New South Wales residents are protected.

The bill introduces licensing for mechanical services plumbing work, which includes medical gas work. Mechanical services work is a specialised type of plumbing that includes the construction, installation, replacement, repair, alteration, maintenance, testing or commissioning of a mechanical heating, cooling or

ventilation system in a building. Notably it also includes medical gas, which comprises the construction, installation, replacement, repair, alteration, maintenance, testing or commissioning of any fixed component used in a reticulation system for the supply or removal of medical gases from the gas source to the wall outlet.

Mechanical services work has a great deal of complexity and requires extensive technical training to be performed safely. When done incorrectly, it can expose the community to deadly legionella outbreaks, as air conditioning systems in large buildings, hospitals and shopping centres can transmit the disease through water droplets sprayed from their exhausts which consequently can be inhaled by individuals. Serious illness and fatalities have been linked to cooling towers. In 2016 in Sydney's CBD tragically there was one death and 15 hospitalisations as a result of the contraction of legionella. Poor installations have the capacity to produce serious health and safety problems and possibly can be fatal. The main risks associated with medical gas work include the contamination of pipelines and the cross-connections of gas delivery outlets, which tragically occurred in our State.

The bill amends the Home Building Act 1989 to provide for the licensing of mechanical services work, including work on medical gas systems. The new mechanical services licence would be administered by Fair Trading NSW. This is consistent with existing licensing requirements under the Home Building Act 1989. That Act also provides for the licensing of electrical, plumbing and drainage and refrigeration work. Fair Trading NSW administers the licensing for that work, as it would for the new licence in this bill. The bill has not sought to reinvent the wheel. The amendments proposed by the bill follow the existing statutory drafting under the Act. Industry and stakeholders will be familiar with the new provisions.

Unlike New South Wales, Queensland and Victoria have dedicated building authorities. The Queensland Building and Construction Commission and the Victorian Building Authority are able to administer important licences like mechanical services and medical gas. As our State urgently requires mechanical services and medical gas licensing, this bill seeks to operate within the existing legislative framework in New South Wales. It functions in the equivalent way to other licences, which operate and are administered through the Home Building Act. The bill does incorporate the key concepts and requirements from Queensland and Victorian legislation that are widely known and accepted by industry professionals to be a world-class standard for mechanical services and medical gas.

The bill amends the Home Building Act 1989 to include a new category of specialist work called "mechanical services work", which includes medical gas. There are a number of other specialised types of work in the Act, such as electrical wiring work, as I mentioned previously. The new definition of "mechanical services work" to be included has been developed to align with industry expectations and follows the definition used by current successful regulatory regimes in other jurisdictions. The bill proposes a new section 15A, which prohibits an individual from doing any mechanical services work, including medical gas, without a licence. The maximum penalty for a failure to comply with this requirement is 1,000 penalty units for a corporation, which is \$110,000, and 200 penalty units in any other case, which equates to \$22,000. This section of the bill is consistent with the drafting of the Home Building Act, as the equivalent statutory fine is currently in place for other specialist works when work is done without a licence.

New section 15A contains specific and targeted exceptions to the prohibition on carrying out mechanical services work, including medical gas work, without a licence. Such exceptions apply to apprentices and trainees. The bill follows the electrical wiring work section of the Act, where it robustly ensures that a qualified supervisor must be present for the work being carried out and is available to consult, give directions and personally ensure the work is done correctly by an apprentice or trainee. The intention of these exceptions is to ensure apprentices and trainees can lawfully learn their trade while at the same time putting the onus firmly on their supervisors, as it is extremely high-risk work and they risk significant fines for failure to comply.

Section 33E of the bill provides the minimum requirements to attain a licence to undertake mechanical services work. The requirements in section 33E (1) are the successful completion of the applicable certificate III in the Plumbing (Mechanical Services) course, which includes the medical gas competency unit, as well as the successful completion of an apprenticeship or four years' experience acceptable to the secretary of the department but must include medical gas experience. The certificate III in the Plumbing (Mechanical Services) course and the unit of competency known as "Install Medical Gas Pipeline Systems" are based on nationally recognised training from the national register on vocational education and training [VET] in Australia. As this would be a new specialised course in New South Wales to be administered by education providers and to give ample time for this to be administered by providers, this section of the Act would not come into effect for two years after the date of assent. It must be noted that the specialised mechanical services and medical gas courses are the nationally recognised programs around Australia.

Additionally, section 33E (2) ensures that this new regime does not unfairly omit individuals from an entitlement to be licenced when they have had at least four years' experience in mechanical services work in

addition to completing the necessary updated unit of medical gas competency within the preceding two years and have any other qualifications determined by the secretary as necessary to enable the applicant to do or supervise mechanical services work. This essentially allows suitably qualified, skilled and experienced individuals to have the ability to be licensed in the work, without them having to complete the new certificate III and complete another apprenticeship or another four years of work. It importantly requires those individuals to complete the unit of competency known as "Install Medical Gas Pipeline Systems", a nationally recognised course, within the preceding two years, which will ensure we have highly knowledgeable and skilled individuals working on high-risk installations. As section 33E of the Act would not commence for two years, the existing section 33D in the Home Building Act will operate in relation to mechanical services and medical gas work.

Clause 33D provides that a supervisor or tradesperson certificate must not be issued unless the secretary is satisfied that the applicant has the necessary qualifications, has passed the examinations or practical tests as the secretary determines necessary, as well as the applicant having the experience that the secretary considers would enable the applicant to do or supervise the work in question. This section allows the work in the area of mechanical services and medical gas to continue prior to the new requirements commencing but with the safety nets in place that I have articulated. In addition, the bill provides for the commencement of the proposed Act on the day that is six months after the date of assent. This essentially allows time for the secretary to provide certificates under section 33D to suitably qualified individuals before section 15A comes into effect, which prohibits an individual from doing any mechanical services work, including medical gas, without the required certificate and licence. There are penalties if there is a failure to comply with the requirements. Penalties will start six months after the date of assent to ensure New South Wales has only individuals who are safely completing this high-risk work, as incorrect instalments can be fatal.

Labor is amending the Home Building Act to make sure individuals carrying out mechanical services and medical gas are suitably qualified, just as electricians and plumbers dealing with water and drainage are required to be, right here, right now. As members of this House, I believe it is our obligation to examine issues that are affecting the health and safety of our communities and to do everything possible to protect people across the State. Legislating to protect the community from potentially deadly legionella outbreaks is essential. When residents of our State require hospital treatment, their families and loved ones should not have to be concerned that another catastrophic incident could occur. This legislation will make sure that only qualified and skilled people are undertaking high-risk work with medical gases in hospitals. Opposing the bill or failing to legislate to protect babies and other members of the public from being exposed to poisonous gas is inexcusable.

I make a special mention again of Benish and Danial Khan who are here today to offer their support. I have been extremely fortunate to have met the beautiful Khan family. When I met their lovely daughter, Amelia, it broke my heart to see her speechless and cognitively impaired due to a human error, which was totally and absolutely avoidable. Four years from the devastating cross-connection of gas delivery outlets at Bankstown-Lidcombe Hospital, we still have a deregulated and unlicensed mechanical services and medical gas industry in operation today. I was particularly struck by the positive and determined demeanour of Amelia's loving and dedicated parents, Benish and Danial. Despite what they have been through and despite the lack of justice delivered to date, they are not in any way bitter or vengeful. They merely want to make sure that the lack of regulatory provisions is fixed so that a tragedy like this cannot happen again. Our hearts continue to go out to the Ghanem family as well. Nothing can ever bring back John or change what happened to Amelia but we can and should act to prevent such tragedies from happening here again. The time to act is right here and right now.

Debate adjourned.

**WATER MANAGEMENT AMENDMENT (WATER ALLOCATIONS—DROUGHT INFORMATION)
BILL 2020**

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Mick Veitch.

Second Reading Speech

The Hon. MICK VEITCH (10:58:24): I move:

That this bill be now read a second time.

I introduce the Water Management Amendment (Water Allocations—Drought Information) Bill 2020 on behalf of the New South Wales Labor Opposition. In doing so I start by making this fundamental point: Decisions about water need to be based on science and facts. I am not quite sure why the Government would be against the concept of science and facts being used to inform water decisions. I look forward to hearing the Government's contribution in the second reading debate. Any plan on how we use our water, how we allocate our water, what is available for use on any given day and what needs to be held back for the tomorrows needs to be based on the long-term

averages of rain, river flows and climate. These long-term averages need to be based on the facts, the data. For our regulated rivers, the data informs a "drought of record". It is on the books—that is, the worst water conditions for that particular river system. It is this very issue, the drought of record, that brings this bill to the Chamber today. Only if we base our long-term averages on factual data can we start to use the word "normal" to describe water going into and out of our systems. It is absolutely critical that we plan for water with all of the available evidence and science factored in. At the moment we do not.

The current method of planning for water availability and use is a broken model of water sharing, thanks to a perverted course of justice engineered by the NSW Nationals party and the New South Wales Liberal-Nationals Government in the form of a 2014 amendment bill introduced and passed by then water Minister Kevin Humphries. At that time Minister Humphries changed the Act such that our public servants, in trying to balance the many competing needs of water, would be prevented from including any data beyond when the first water sharing plans were made—generally between 2002 and 2004 for some of the most contentious river systems. In doing so, the drought of record became a fixed drought that needed to be pre-2002 to 2004. No new realities of drought events after 2002 to 2004, which were painfully experienced by the people of New South Wales and the Treasury books, could be considered in how we would plan for and share our water going forward.

At this very moment the New South Wales water Minister is looking to extend the existing water sharing plans for some of these desperately out-of-balance river systems until 2030, meaning that for 26 years or more no new information can be put into the algorithm of what is real and the levels of water sharing that reflect reality. I say to those on the Government benches: Will they vote to correct this farcicality or will they toe the party line and undermine any credibility in relation to the water management regime in this State? We have tested the absurdity of the existing approach to never mention the Millennium drought and have spent the past three years living deeply in that consequence.

As a result of the flawed methodologies used in New South Wales to predict water inflows and sharing plans, we entered the most recent drought period, a long period of very low or zero rain and inflows into dams and river storages, pretending that the Millennium drought never happened. Look where that got us. The reality today is that the hardworking public servants in the NSW Department of Primary Industries have to pretend that the two worst droughts in the State's history in most regions did not happen. They are not allowed to put forward a water sharing plan that recognises these events and, as such, they are forced to condemn this State to more devastating experiences like the drought that we are currently trying to recover from. This could be fixed with a stroke of the pen by the Government or the water Minister. Hopefully it will be done by way of this bill being supported in both Houses of Parliament.

During the Legislative Council debate on a similar motion moved by Mr Justin Field just a few weeks ago, one had to feel for the lead speaker for the Government, the Hon. Bronnie Taylor, in trying to defend the indefensible and explain why records of facts are not used. The two key cornerstones of the argument presented by the Hon. Bronnie Taylor on behalf of the Minister revolved around what is "normal" and the words of Dorothea Mackellar from 1908 that we are a land "of droughts and flooding rains". Let me tackle the word "normal" and its use in that debate and how the NSW Nationals are so determined to link it to the Dorothea Mackellar line. It is clear to citizens across New South Wales that while droughts have always been a part of our "normal", these two most recent, very long droughts reflect a more frequent and severe trend in our weather. Similarly, seven of our hottest years have been felt during the past eight years, which might also suggest that there is a "new normal".

Now I know that this will challenge The Nationals but we have to talk about climate change. Hopefully for the purpose of this debate the acceptance of the changing climate is a manageable ask for those on the Government benches. After all, their Premier has announced her belief in the climate changing. Their Deputy Premier and the leader of the Nationals has repeatedly referred to longer dry periods and shorter, more intense periods of rain as a result of a changing climate. Even the water Minister has acknowledged climate change in both her words and the policies that she has repeatedly signed off on. So why do we sit in New South Wales with a water management Act that fails to face the reality of the changing climate as evidenced by weather over the past 20 years?

The reality of the past 20 years has dragged even some of the most strident climate change doubters across to a position of accepting reality. However, for the NSW Nationals party the question must be asked about exactly what time and what era its members are currently living in. Perhaps that answer is linked to their oft used reference to a line in the Dorothea Mackellar poetry. Indeed, in citing Mackellar, there is an ill-considered assumption that she might pen the same line in 2020 as she did back in 1908. Ponder that for a moment. Would Mackellar, who spent significant time in Gunnedah, still summarise our climate and country as a land of drought and flooding rains? If she had spent time in Gunnedah in 2020 during the most recent drought, might she change that line to "a land of long hot drought and occasional rain"?

How do we manage our water and where does it go? New South Wales has a method of allocating water and essentially controlling allocations and the use of water through an instrument known as a water sharing plan. There are 58 water sharing plans for New South Wales and most valleys have water sharing plans for three different categories of water: groundwater that comes from under the surface; surface water, as in river water that might be in a regulated or unregulated river system; and alluvial water, best summarised as water moving across the surface of our landscape, such as paddocks and fields. The water to which we have access can be used for only three basic purposes: the environment, people and their animals—often referred to as stock and domestic—and, of course, irrigated farming. When we look at our data and make some judgements about how much water there is to serve these three basic needs, we find that we really do not have much flexibility. That is why having access to all of the facts and figures, not just the convenient facts and figures, is so important. The more that we lie to ourselves, the more that it will hurt us all.

For example, take our recent drought. Essentially it stopped raining across most parts of New South Wales midway through 2016 and did not start again until early 2020. We had a period of about 3½ years of very low rainfall which meant that our dams and rivers became increasingly dry. Some parts of New South Wales went for much longer without rain. At an environmental level we had massive fish kills. A range of other plant and animal species were also decimated but much less talked about than the graphic fish massacres in the Menindee. At an agricultural level we had farmers and farming businesses destroyed by the lack of water. For some, they went three or four years without a productive crop. For others, they were forced to destroy stock that they could no longer feed or water. Sadly, some farmers experienced such hard times that they took their own lives.

The humans who inhabit our inland regions were also faced with a complete loss of water supply. Dozens of towns and communities reached day zero where there was simply no water left to come out of the taps. Dozens more towns and regional cities would have similarly gone to the wall if we did not start receiving rain in February, March and April this year. Without the rain earlier this year we would have been facing complete water depletion for places like Armidale, Bathurst, Dubbo and Tamworth. These are quite big regional cities with populations in some cases of more than 50,000 people. What would we have done then?

It is clear to everyone in this place that during our recent drought we had clearly not held back enough water to get us through a 3½-year dry period. In simple terms, our water sharing plans, devoid of the reality of the Millennium drought, told us that we would not need to keep back this volume of water because the normal events do not last this long—there is that word "normal" again. But to be honest, the recent drought was only slightly worse in many parts of the State than the drought that peaked just 13 years previously, the Millennium drought. We really should have had some sense that we needed to hold back enough water for what may have become a 3½-year or perhaps even four- or five-year dry spell. Why were our water sharing plans not telling us the lessons that should have been learnt from the drought period that ended just 13 years earlier? Surely our memories would have allowed us to recall the devastation of the Millennium drought and the lessons that we needed to learn.

It was not so much a case of forgetting the Millennium drought and the lessons learnt; it was more a matter of legislation in New South Wales that prevents us from remembering the event and the lessons that should have been learnt. There is a conga line of evidence and reports from the past five years that demonstrate how and why New South Wales water sharing plans are not fit for purpose. An esteemed line of hydrologists is desperately trying to get this New South Wales Government to pay attention to the broken water sharing plans. A host of regional councils at various stages of water scarcity are urging this Government to redraft the water sharing plans that are in place. Even The Nationals' own member for Tamworth, Kevin Anderson, is saying that the water sharing plans are broke.

Two weeks ago almost every politician in this House, apart from those on the Government benches, voted to recognise that ignoring recent droughts was a special kind of madness in water-sharing terms. And that, honourable members, is why this bill is in this House today: to correct a very obvious error of legislation. I urge members to allow the science, the facts, the data and the truth to be a telling factor in our water-sharing plans by supporting this bill in this House today. I commend the bill to the House.

Debate adjourned.

DESIGN AND BUILDING PRACTITIONERS BILL 2019

EVIDENCE AMENDMENT (TENDENCY AND COINCIDENCE) BILL 2020

Messages

The DEPUTY PRESIDENT (The Hon. Taylor Martin): I report receipt of messages from the Legislative Assembly agreeing to the Legislative Council's amendments to the bills.

RURAL FIRES AMENDMENT (NSW RFS AND BRIGADES DONATIONS FUND) BILL 2020**First Reading**

Bill introduced, and read a first time and ordered to be printed on motion by Mr David Shoebridge.

Second Reading Speech

Mr DAVID SHOEBRIDGE (11:10:42): I move:

That this bill be now read a second time.

I am pleased to introduce the Rural Fires Amendment (NSW RFS and Brigades Donations Fund) Bill 2020. The objects of this bill are to:

- (a) allow for the application of certain money in the NSW Rural Fire Service and Brigades Donations Fund for purposes relating to bush fire emergency relief, and
- (b) provide protection from breach of trust and civil liability in relation to the application of that money.

This bill seeks to allow the donations that were received through extraordinary State, national and international generosity at the time when our State, indeed our country, was on fire during the most recent fire season. It allows those donations, which were primarily gathered in response to the generous call from Celeste Barber, to be sent where those who made the donations wanted the funds to be allocated. Perhaps the best starting point to understand why the bill is before the House is to look at the poster that Celeste Barber put on Instagram when the fires were raging at the end of last year.

In hindsight, Celeste Barber probably would have sent her post to her lawyers or hired lawyers to carefully consider the laws of trusts and how trust moneys are allocated. But her Instagram post was, "Please help anyway you can. This is terrifying." Then it says, "Fundraiser for The Trustee for NSW Rural Fire Service & Donations Fund by Celeste Barber." It was a public call and a public fund. Celeste Barber's comment on the post in her name included an image of a house burning. I think all of us are familiar with so many similar images during the fires. Her comment is, "This is my mother-in-law's house. It's terrifying. They are scared. They need your help. International donations can be made via the link in my bio." That was the call that people responded to and they responded to that call with remarkable generosity.

In a matter of days millions of dollars had been donated. By the end of the fire season in excess of \$50 million had been donated as a result of that call by Celeste Barber. People from around the world saw what was happening. They saw houses had been burnt down and wanted to help. Indeed, that was the primary call from Celeste Barber. They saw houses being burnt. They knew people and communities needed urgent aid. They saw wildlife being killed on a scale that is both cruel and unimaginable. The estimates are that more than a billion native animals, not including the smaller ones that are difficult to count such as lizards and insects, perished in those terrible fires. Parts of our State lost 90 per cent or more of natural bushland as a result of the fires. Wildlife rescue teams were pushed to the limit to try to rescue animals that had been burnt but survived the fires. We saw communities grieving in places like Cobargo, where whole parts of the town burnt down.

It was in response to that desperate need of the community as well as to the bravery and selflessness of the volunteer firefighters and employed firefighters, who responded with such remarkable courage and resistance to the fires, that led to \$50-odd million being donated. We should celebrate the generosity of that moment. We should acknowledge the grief, the pain, the suffering but we should celebrate the generosity of that moment. However, it soon became apparent that because of the limitations in the RFS Donations Trust, the wishes of many of those who donated could not be fulfilled. The terms of the RFS Donations Trust allowed the funds to be used only "to or for the brigades in order to enable or assist them to meet the costs of purchasing and maintaining firefighting equipment and facilities, providing training and resources and/or to otherwise meet the administrative expense of the brigade, which are associated with their volunteer-based service activities". That was the term of the trust. It was not hidden. By going to a Federal website and following a series of links, the trust and the terms of the trust can be found on a public website. But nobody does that before they make a donation. Nobody I am aware of did that before they made their donation in response to Celeste Barber's call.

The donors were responding to the call that Celeste Barber made and the call was clear: to help those communities, to help those people across the country who were responding to the terrible, terrible fires and the damage that followed. Soon after the money started flowing in, a number of legal academics were making comments on the limitations of the deed. A number of them contacted my office as well as legal practitioners who specialise in emergency service laws as well as a number of academics and practitioners who specialise in trusts law. Between them they said, "There's a problem here. People think they're donating to assist communities, to assist wildlife carers and to assist people across the country, whether that is on Kangaroo Island or in Victoria, New South Wales or parts of South Australia." They thought they were donating to help everybody.

But those legal academics and practitioners said, "But the terms of the trust mean that this money can be used only for the brigades and for things closely associated with the brigades—for equipment and training of the Rural Fire Service." As this became apparent, people from across the country who had made the donations said, "We weren't donating to defray government expenditure because the RFS should be funded by the Government. We were donating to help people who don't have any other resources. We were donating to help those people who lost their homes. We were donating to help those wildlife carers who don't have a government backing them in. We were here to donate to any of those Rural Fire Service workers who had been injured and we were here to donate to the families of anybody fighting the fires."

We know that some Rural Fire Service firefighters on the front lines lost their lives. The donors said, "We weren't donating to help out the New South Wales Government so it didn't have to buy fire trucks." As it became apparent that the terms of the deed were so narrow, increasing levels of consternation grew in the community. In response to those concerns, the RFS and the New South Wales Government brought an application to the Supreme Court seeking to have an interpretation of the deed that was as broad as possible. Again, those legal practitioners and academics whom I was speaking to made it very clear from the outset that the Supreme Court could give at best minimal relief because the court is trapped by the law. The court is obliged to comply with the law. The terms of the trust deed were very clear: The \$50-odd million could be distributed to the brigades to pay for equipment and training—the sorts of things that New South Wales taxpayers and the New South Wales Government should be paying for. There was no failure in the deed. There was no failure in the gift.

Sure enough, after further spending of taxpayers' money on that case, the Supreme Court said there was no failure in the gift and no problem with the terms of the deed. The money can only be applied for the purposes of the trust. It cannot be provided to the community. It cannot be provided outside of New South Wales. It cannot help anybody who has lost their home. It cannot help any of the organisations that care for wildlife. It can only go to the brigades. The court did give some small additional relief. It said the money could be used to provide some financial relief to RFS brigade firefighters and the families of RFS brigade firefighters in those tragic circumstances where people lost their lives. Otherwise, it was all to go to the brigades.

As predictable as that was, it also should not be the end of the story. We should not accept that this extraordinary generosity, which was intended for the community across the board, overwhelmingly can be directed only to the RFS to pay for things that the State Government should be paying for. I say that knowing that in New South Wales people who lost homes in the fires are still living in tents. In New South Wales people are living in caravans or sharing overcrowded accommodation because they do not have the funds to rebuild their homes after the fires. They were the very people who Celeste Barber sought to assist. Wildlife organisations still will be caring for animals for the next few months because so much of the State was ravaged and devastated by fires that those animals cannot be released back into the wild. There are communities outside New South Wales which desperately need that assistance and that is what people thought they were donating to. This bill amends the Rural Fires Act 1997 to insert a narrow set of provisions. It will insert a new section 137A, which provides:

- (1) Despite the terms of the deed, the trustees may pay or apply relevant trust money for the purpose of providing support or assistance to any one or more of the following—
 - (a) the families of volunteer rural fire fighters killed while providing rural fire services,
 - (b) volunteer rural fire fighters injured while providing rural fire services,
 - (c) people and organisations providing care to animals injured or displaced by bush fires,
 - (d) people and communities that are significantly affected by bush fires.

It then provides:

- (2) Subsection (1) is limited to people, organisations or communities within Australia.

I note that it does not say "within New South Wales" but "within Australia". It then provides:

- (3) Nothing done by a trustee in accordance with this section is to be regarded for any purpose as constituting a breach of trust or breach of the deed by the trustee.
- (4) Without limiting subsection (3), a trustee does not incur any civil liability for any act done or omitted to be done in accordance with this section.

For interpretation purposes, subsection (5) provides as follows:

deed means the NSW Rural Fire Service and Brigades Donations Fund Trust Deed.

That is the deed I have been speaking about. It continues:

relevant trust money means gifts or contributions received by or on behalf of the trust during the period commencing on 1 November 2019 and ending on 1 February 2020.

trust means the NSW Rural Fire Service and Brigades Donations Fund.

trustee means a trustee of the NSW Rural Fire Service and Brigades Donations Fund.

What the bill does is very simple: It uses the Rural Fire Service Act as the vehicle to, effectively by statute, amend the purposes of the deed. It does not do so on an ongoing basis; it does so only in respect of moneys received in the relevant period, being the period within which people were donating so generously as a result of the fires. It seeks to give effect to the intent of the community across the board when they were making donations to the Celeste Barber appeal. We understand that approximately \$20 million from that donation fund has been allocated by the RFS already, so there is more than \$30 million in the fund. If agreed to in this Chamber and in the other place, the bill would allow that \$30 million to be allocated immediately to give homes to people who lost their homes in the fires and to give wildlife organisations the resources they need to keep doing their essential work. The bill would allow that money to go to the communities that have been savaged by bushfires and not to simply defray the costs of the New South Wales Government so it saves money on a fire truck.

Although I am a New South Wales State MP, I say that we have an obligation to ensure that the use of the donations is not limited to New South Wales. We should allow the funds to go where they are most needed: to those who have lost their homes in Victoria and to those who have been so badly impacted by the fires on Kangaroo Island or elsewhere across the country. The funds should go where they are most needed. We should allow the trustees to make those decisions and protect the trustees. I commend the bill to the House.

Debate adjourned.

Motions

GONE FISHING DAY

The Hon. TAYLOR MARTIN: I move:

That private members' business item No. 328 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. TAYLOR MARTIN (11:27:02): I move:

- (1) That this House notes that:
 - (a) more than five million Australians participate in fishing each year;
 - (b) Sunday 20 October 2019 was Gone Fishing Day;
 - (c) forty-eight fishing clubs around the State organised community events to celebrate one of Australia's favourite pastimes and encourage new people to take up fishing; and
 - (d) the NSW Department of Primary Industries staged events at Botany Bay, Moree, Ballina, Huskisson, Mulwala and Lake Macquarie, that included free how to fish sessions, casting competitions, fishing tips classes by local experts, kids activities and a Roads and Maritime Services boating safety stand.
- (2) That this House congratulates the fishing clubs who participated in Gone Fishing Day and organised their own successful local events.

Fishing is one of Australia's favourite recreational activities, with more than five million Australians casting a rod annually. Each year clubs all over the State participate in Gone Fishing Day, with the aim of attracting new members to their club and, most importantly, encouraging new people to participate in recreational fishing. Fishing is a great local activity that ensures people can get out of the house, either with friends or alone, and enjoy the outdoors. Fishing is also great for mental health because it gives the opportunity to just about completely switch off. Importantly, because recreational fishing is such a popular activity across the entire State, the economic benefits of recreational fishing are realised by regional communities up and down the coast and, of course, along our inland waterways as well.

Recreational fishing contributes around \$3.4 billion in economic activity each year and supports around 14,000 full-time jobs. It is not necessarily about catching fish for the purpose of eating; it can also be an opportunity to tag and release. New South Wales operates the largest saltwater tagging program of its kind in the world. The program has been in operation since 1973. It is used to obtain information on the biology of billfish, tunas, sharks and sportfish and it encourages game fishers to participate in the management of the fishery. The tagging data is used by scientists to study the lives and habits of fish species. The migratory habits of the tagged fish are observed by measuring the distance and direction travelled between tagging and recapture and this information can be linked with environmental factors. Growth patterns are also monitored.

The 2019 Gone Fishing Day event was a huge success, with 48 fishing clubs across the State receiving fishing packages from the Department of Primary Industries to run their own Gone Fishing Day events. There were six major fishing events at Ballina, Moree, Lake Macquarie, Botany Bay, Huskisson and Mallawa and an estimated 20,000 people joined in. The event put on by the Department of Primary Industries [DPI] at Lake

Macquarie was a great community event that celebrated their love of fishing and encouraged everybody to get out on the water. The event had free "How to Fish" sessions, a casting competition, free bags with bonus fishing lures, fishing tip classes by local experts, a touch tank and loads of kids activities, and Roads and Maritime Services had a stall promoting boating safety. One of the highlights was from Snappy the crab, who made an appearance and handed out prizes to the children.

Empire Bay Fishing Club held a Kids Gone Fishing Day with 71 local kids from two- to 15-year-olds participating with their parents. The fishing club is one of 48 successful clubs to receive a grant from DPI, which they put towards obtaining 36 fishing rods. The club then worked hard to get sponsors from local businesses so that all the kids could get a rod and show bag filled with hooks, sinkers, hats and magazines. The highlight was the kids being taken out on the Brisbane Water and learning how to fish on the open water. The funding for the events came from the NSW Recreational Fishing Trust.

In 2019-20 alone \$16 million is being invested back into recreational fishing across the State through grants from the NSW Recreational Fishing Trust. I congratulate all the clubs that participated last year and look forward to seeing more clubs join in the Gone Fishing Day program in the future. I particularly congratulate all the members who participated in Gone Fishing Day events, whether through their hard work on the barbecue, sharing their boats or knowledge for no other reason than that they love fishing and want to share it with more people in New South Wales. They ensured the day was a huge success. I commend the motion.

The Hon. JOHN GRAHAM (11:31:13): I congratulate the member on bringing this motion forward. It is some time since the Gone Fishing Day last year but the member was straight onto it and moved the motion immediately afterwards. It has taken us some time to debate it. I join him in congratulating particularly the clubs that took part and the Department of Primary Industries and I would add the Roads and Maritime Services team as well, who were out there advocating for boat safety. We all know how important that issue is. We look forward to the next Gone Fishing Day on 18 October 2020 and hope that it builds on the success that the member has already outlined. He is not far from one of the finest places to go fishing. It has been some time since I had the rod out but the last time was on Lake Macquarie, the largest saltwater lake in the Southern Hemisphere, twice the size of Sydney Harbour. Few fish were harmed on that occasion.

New South Wales is a remarkable place to engage in fishing: 2,000 kilometres of coastline, 40 lakes, six major river systems—all fantastic places to engage in a bit of fishing, and there are opportunities for deep sea fishing as well. I particularly commend Lord Howe Island. Fishing off Lord Howe Island is one of the most remarkable things I have ever done. The member said it is not all about catching fish for the purpose of eating. I would go further and say it is not all about catching fish. That is certainly my experience. The meditative benefits are there regardless. I thank the member for moving this motion.

The Hon. EMMA HURST (11:33:18): The Animal Justice Party will not be supporting the motion moved by the Hon. Taylor Martin. The Animal Justice Party particularly objects to the suggestion that the House should congratulate the fishing clubs that participated in Gone Fishing Day because fishing affects more individual animals than any other human-based animal industry. Science shows that fish have the ability to feel pain and to suffer. Therefore fishing as an act inflicts pain and suffering on a sentient animal and should not be celebrated. Encouraging more people to get involved in an industry that has devastated the marine kingdom is unconscionable. What the House should really be noting is the extraordinary research that now shows that fish feel pain. In fact, my parliamentary intern last year compiled this very research in her project. I quote directly from her paper:

Besides feeling pain and experiencing changes to brain activity as a result of degrees of pain stimulants, fish have been found to possess other capabilities. These include consciousness, self awareness, awareness of time and long- and short-term memory, emotional responses, complex cognition, recognising human faces and tool use. It has also been found that olfaction and gustation in fish work in the same way as in humans. Culum Brown, an Australian fish scientist, has also established that fish have good memories, recognise and cooperate with each other, have complex traditions and some show Machiavellian intelligence and are capable of tool use. Fish have nerve structures anatomically similar to those of humans and other mammals. Their lips and mouths contain a high concentration of pain-specific nerve endings. This is the very area impacted upon by hook and line fishing. In fact, in many areas fish's cognitive powers match or exceed those of vertebrates and including non-human primates. One species of fish has also recently become an addition to the list of species known to recognise their own reflection in mirrors.

I ask the House to recognise that fish are intelligent and capable of pain. Knowingly causing them harm is unethical and inhumane. Fishing is animal cruelty. It is for this reason that the Animal Justice Party and I stand against this motion.

The Hon. BEN FRANKLIN (11:35:39): I support the motion moved by the Hon. Taylor Martin and thank him for bringing it to the House. Gone Fishing Day is a wonderful event on the calendar where people who fish for leisure, sport or as a way of life come together and celebrate their passion for fishing in the great outdoors. I start by picking up a point made by the Hon. John Graham about the wonderful Lake Macquarie. I was born at Lake Macquarie and some of my earliest memories are of fishing on Lake Macquarie with my dad and catching bream, flathead and leatherjacket. On Sunday 20 October 2019 clubs across the State did exactly this, organising

wonderful events for kids, adults and the whole family to enjoy. It is estimated around 20,000 people took part in events in New South Wales.

As the honourable member said, the North Coast was home to one of the events hosted by the Department of Primary Industries [DPI] and it was a great day out for all. Pop Denison Park in Ballina became a hub of activity as people came down to join in free events, such as fishing clinics, casting competitions, demonstrations and talks from expert fishers. Many local organisations came together to teach the community more about fishing and how to stay safe but most importantly how to have fun. The DPI worked hard and partnered with local groups. I acknowledge their support in making the events a huge success. I also acknowledge the local groups who joined Gone Fishing Day in Ballina.

One such group is OzFish. OzFish has continually been a big supporter of Gone Fishing Day and its work in Ballina is second to none. The group works around the clock with its members and recreational fishers to keep lakes, oceans and estuaries healthy. During Ballina's Gone Fishing Day celebrations, OzFish was there to help kids tie knots, cast a line and help make the day a huge success. I have been lucky enough to meet with OzFish CEO Craig Copeland and Richmond River Chapter President John Larson and know how passionate and dedicated they are to the future of fishing. There are many wonderful fishing groups and clubs across the Northern Rivers region. I thank them for their community involvement and providing activities that people of all ages can engage in while enjoying the serenity of the North Coast. Some of these include the Cherry Street Fishing Club, Murwillumbah Brothers Fishing Club, Richmond Valley Sportsfishing Club, Byron Bay Deep Sea Fishing Club and the Ballina Angling Club.

Recreational fishing contributes about \$3.4 billion in economic activity to the State each year and New South Wales is the largest recreational fishing sector in Australia. With literally thousands of amazing spots to pull up and wet a line, fishing draws people from across New South Wales, supporting our regional towns and local economies. In addition, approximately \$16 million is generated each year in licences, which is reinvested into projects that support the industry. Since 2001 more than 701 projects have been delivered through the NSW Recreational Fishing Trust. With about one million people fishing in the State annually, Gone Fishing Day provides a wonderful opportunity for fishers to share their skills with the community, teach people of all ages and provide a space where people can connect with fishers and have a great day out. I support the motion and commend it to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:38:45): I make a short contribution to acknowledge the member for bringing the motion before the House. It probably will not surprise members to know that I am not much of an angler; I am not someone who goes fishing. However, my husband is one of the more than five million Australians who participate in fishing each year. The Hon. Taylor Martin in his contribution talked about how it is a great opportunity for people to get outdoors. It is good for mental health to be able to have a break and go fishing. My husband loves it and goes to the coast fishing every opportunity he gets, even though we live at Gunnedah. It is a nice reprieve from what he calls "daddy day care". There are only so many episodes of *Bluey* you can watch with the kids before you need to go outside—

[*An Opposition member interjected.*]

I love that show. It is amazing.

The Hon. Daniel Mookhey: Did you watch the one where they go fishing?

The Hon. SARAH MITCHELL: There is one where they go fishing. That is probably a motion for another time. In all seriousness, in my experience I see it as an activity that my husband enjoys. It is good for his mental health and wellbeing to get a bit of fresh air and throw a line in. I think events like NSW Gone Fishing Day acknowledge that it can be great for people to get out and get involved. He has tried to get our daughters involved. I think the appeal of going fishing with dad is more exciting than the actual activity. They do not normally last all that long when they go out—but they are young so there is hope for them yet. However, I think it is a good event to acknowledge in this House and I commend the motion moved by the member.

The Hon. NATALIE WARD (11:40:11): I support the motion acknowledging Gone Fishing Day, with apologies to the Hon. Emma Hurst. I probably do not strike members as a fisher at first blush but I confess to the House and come to the court with clean hands: I love fishing. On my honeymoon with my husband at the beautiful retreat he had booked, I discovered that there was a tinnie out the front. I went to the owners and said, "Could we hop on the tinnie and do some fishing?" and they said, "Of course." I said, "We would love that." My brand-new minted husband looked at me horrified. He hates fishing. Nonetheless, we persisted in the love bubble and we have never fished together since.

I acknowledge the great mental health benefits of fishing. It is one of the most relaxing things you can do. It does not really matter if one catches things or not. The great benefit of having the fish and chip shop down the

road is that one can compensate for it afterwards. One school holidays when my kids were little, aged four and five, I decided to take them fishing. It is a cheap and easy option for recreation and getting outside. I stupidly invited a couple of their friends and then a couple of their friends' friends. I ended up down at Forty Baskets Beach in Manly with 10 kids. I was annoyed because I had to take the fish off the lines and re-bait their lines. But it was a magnificent day out and they all really enjoyed it. I pay tribute to my husband's godmother, Pam Kelly, who was a very devoted fisherperson and really enjoyed fishing.

The Hon. Walt Secord: An angler.

The Hon. NATALIE WARD: She was quite an angler. She was a golfer and an elegant middle-aged woman when I met her. She also did not strike one as a person who enjoyed fishing but she did very much. I acknowledge the great mental health benefits of getting outside and popping a line in the water. The great benefit of fathers and sons, mothers and daughters and family spending time together doing these recreational activities is to be commended. I support the motion and thank the member for bringing it to this House.

The Hon. WES FANG (11:42:30): I support the motion moved by the Hon. Taylor Martin. When we think about fishing it invokes different thoughts. I speak in deference to the contribution of the Hon. Emma Hurst and acknowledge her position but to me fishing is not really about fishing. I think back to what it meant to me when I went fishing with my dad when I was younger. To the point made by the Hon. Natalie Ward, it is often about the conversations one has and the bonding with those around one rather than catching fish. Much like the Hon. John Graham mentioned in his contribution, I know that not many fish were harmed when we went fishing. My father and I would often go fishing around Burrinjuck Dam or Blowering Dam. Sometimes we would even throw a line in the Murrumbidgee in the great city of Wagga Wagga, which is my hometown. It is something that I always will remember now that dad has passed.

Being from Singapore and interested in catching animals and making good use of them, dad would often come back when we were camping around Burrinjuck Dam—when I say "camping", we had a cabin—to find that a number of people had caught carp. Most people would say carp are a waste species that infect our waterways but dad tried to make good use of this carp. He would cook them up and surprise everybody with what could be done with it. My dad was a chef, so certainly that played a part. When I think about fishing, I think about him making use of things that we did not really value. The thing that I valued most was the time I spent with him. Gone Fishing Day is something really important to note in this House. It means different things to different people but to me it means the time that I spent with my dad while he was here. They are memories that I will cherish forever. I commend the motion to the House. I thank the Hon. Taylor Martin for moving it and believe all members should support it. [*Time expired.*]

The Hon. SCOTT FARLOW (11:45:45): I was in my office watching contributions to debate on this wonderful motion moved by the Hon. Taylor Martin and felt compelled by all these trips down memory lane to go back through my own annals and have a look at the wonderful time I spent fishing in my youth. When I was young my dad used to have a boat and we used to go out fishing every weekend. At the time I used to hate the thought of going out on the boat every weekend, fishing for hours on end, from the age of six to 12. However, now when I look back on those days—even soon after them—I missed going out and throwing in a line and, like the Hon. John Graham, not catching many fish and not harming any fish in the process.

It is a great way for children to be able to spend time with their family and spend time getting to know their parents somewhat. There is not a lot of action when one goes fishing, so there is a lot of talking and a lot of other things that one does when one is fishing—except when one goes fishing in the early morning with a serious fisherperson and there is absolute silence because noise will disturb the fish. I did find it a little trying when we would head out at five o'clock to Pittwater or up the Hawkesbury and were told we needed to be silent for several hours because we did not want to disturb the fish. But one learns a lot of great skills with fishing, such as gutting and scaling the fish. Fishing is something the kids look forward to. My first fishing experience was as a three-year-old or four-year-old, before we had a boat. I got my grandmother to take me out with one of those little line reels. I sat there for hours trying to catch something and got very frustrated. I do not have a fishing licence at the moment. The other day I was thinking that I must get one.

The Hon. Sarah Mitchell: You must.

The Hon. SCOTT FARLOW: I must. Last year my son went fishing for the first time with his grandfather and was very frustrated after putting a line in for five minutes that he caught absolutely nothing. One of the things that we all learn in politics is that patience is a virtue, as I think the Hon. Bronnie Taylor was extolling yesterday in question time. Fishing is something that teaches us a lot of patience. That is something all members in this House can learn from. I commend the Hon. Taylor Martin for moving this motion. I commend him for celebrating the great work of fishing clubs throughout New South Wales and Gone Fishing Day, particularly along the Central Coast and the Lake Macquarie area that the Hon. John Graham was mentioning, where fishing is the lifeblood of

the community. Thank God with the COVID-19 regulations that fishing was still allowed in New South Wales as part of those active sport provisions within the public health order. I commend the Hon. Taylor Martin for the motion and wish him well.

The Hon. PENNY SHARPE (11:48:51): I make a short contribution to debate on the motion of the Hon. Taylor Martin regarding Gone Fishing Day and make some reflections in relation to fishing and Australians. Members may know that I am a very proud holder of a fishing licence and a regular fisher on the South Coast of New South Wales. I reflect on a couple of things in relation to fishing. While five million Australians participate in fishing every year, for many Australians fishing is actually the way in which they supplement the food that they have on the table for their families.

At this time, with the pandemic and with so many people having lost their jobs, people literally are putting food on the table not because they have money but because they are catching fish. I raise this issue after listening to the contribution to debate made by the Hon. Emma Hurst. I know that Animal Justice Party members have a very strong view and do not support fishing but I ask them when they think about this issue to understand the importance of fishing in providing food for people and its importance to our First Nation people. The practices of fishing and the practices of men's and women's business is often linked to fishing. It is more significant than simply dropping a line, although I like doing that as much as the next person and seek to do that as often as I can.

In conclusion, I will discuss the role of fishing clubs. Fishing clubs play a really important role but also have an important responsibility. They take responsibility for litter that emanates from fishing to militate against harm and they strive to encourage fishers to be good environmental citizens. I am frequently disappointed when I visit one of my favourite places to fish because a large crevice between rocks is full of plastic bags, fluorescent floaters and a whole range of detritus and litter that is not only dangerous to animals and human beings but also dangerous and wrong for being there.

I acknowledge fishing clubs for their educational role and the way they urge people to leave nothing behind and take back anything that they bring with them to fishing sites. Having said that, I acknowledge that fishing is an important recreational activity for many people and is also a food source. It also is important as a cultural practice. As someone who used to be a foster parent, I can tell members that taking some of the kids I fostered fishing for the first time in their lives created some of the loveliest memories I have because of the enjoyment the kids had of doing such a simple thing as throwing in a line.

Mr JUSTIN FIELD (11:51:59): My contribution to this debate about Gone Fishing Day will be brief. I come from a very active fishing family. I spent a lot of time fishing with my grandfather, father and brother but with my mother and sister less time. I spent a lot of time fishing in a boat but now I tend to fish from my kayak. I can vouch for spearfishing in places around Narrawallee and Mollymook being wonderful ways in which to spend time in the water. I appreciate the opportunity to have this discussion today and to acknowledge the role of fishing in Australia's culture. Fishing is part of a lot of our history and cultural background but it is important to reflect upon the environment of the fish we enjoy catching for food or fun. I fish for food and at times have some concerns about fishing for fun. We can only have fish if there are fish to have and we need healthy oceans and a biodiverse ecosystem in the marine environment to be able to catch fish.

Unfortunately, in the past we did not do a great job of looking after our marine environment. We have witnessed pollution impacts, to which the member who preceded me in this debate referred, degradation of habitats around estuaries and coastal environments through urban development as well as poor management of stormwater and pollution created through industrial development. Those factors combined constitute significant consequences. We should acknowledge that one of the best ways in which to build resilience of the marine environment is to support an active and well-managed network of protected marine areas. This Government has a terrible track record in that regard. If members acknowledge in this House the importance of fishing in the community and the importance of fishing to many people, let us also talk about how we preserve the marine environment for the future so that we can enjoy fish for food in the future.

I am interested in the comment made by the Hon. Penny Sharpe about the role of fishing in Aboriginal communities. It is a fact that right now Aboriginal people are in prison in New South Wales because of breaches of fisheries laws in this State. They have fallen foul of the law because of confusion and also because of some reliance on fishing for food. The confusion emanates from how cultural practices and cultural rights interact with fisheries laws in this State. It is the case that cultural fishing laws passed by this Parliament still have not been enacted to remove the confusion. As a result of that confusion Aboriginal people are still being jailed. The failure of this Government to proclaim and enact the recognition laws that have been passed by this Parliament is an important issue. If we are going to talk about Gone Fishing Day and the importance of fishing, let us take a holistic approach to ensure we will be able to continue to enjoy fishing for the future.

Ms CATE FAEHRMANN (11:55:03): I join in debate on the motion relating to Gone Fishing Day for not the least reason that, like many members, I had a childhood that included fishing with my dad and my brothers in Queensland. I remember those days in the seventies fishing from the jetty and the beach, where we were pulling in fish after fish after fish. We all know that that does not happen anymore because fish stocks in our oceans are depleted. I mention particularly the fish in our rivers. A lot of members spoke about oceans but I think it important to acknowledge the state of fish in our rivers which has declined in the past few years. I ask members to reflect on what last year's Gone Fishing Day on 20 October 2019 meant for the people of New South Wales, particularly people who live in regional areas of New South Wales.

In Tamworth on Gone Fishing Day last year, emergency work began on construction of a temporary weir and pipeline. By December hundreds of dead cod had washed up on the banks of the Peel River. We know that that was all a result of The Nationals gross mismanagement of water. It is all the result of the 2004 decision of then Minister Kevin Humphries to not include the drought indicators in the water-sharing plan. Now we note that The Nationals have dam proposals. If The Nationals care so much about Gone Fishing Day, they will examine the impact of dams on fish downstream. Unless they do, future Gone Fishing Days may be a day of mourning and of remembering what it was like to fish as opposed to being a day of celebration.

The Hon. TAYLOR MARTIN (11:57:14): In reply: It would seem that this motion has brought almost everybody into the Chamber to share their fond memories of fishing during their childhoods. I thank the Hon. John Graham, the Hon. Emma Hurst, the Hon. Ben Franklin, the Hon. Sarah Mitchell, the Hon. Natalie Ward, the Hon. Wes Fang, the Hon. Scott Farlow, the Hon. Penny Sharpe, Mr Justin Field and Ms Cate Faehrmann for their contributions to the debate. I note that the Animal Justice Party [AJP] members do not support the motion. It would be nice if they could stray for this one morsel of a motion as it would not be the first time that the AJP strayed in relation to seafood, it would seem.

I mention an excellent program to encourage young people to take up fishing, which is the Let's Go Fishing Program that is run by the Australian Fishing Trade Association [AFTA], chaired by the Hon. Bob Baldwin, who is a friend to many in this place. As part of the program the AFTA, in partnership with the Marine Teachers Association and the Department of Primary Industries [DPI], has placed fishing gear into 50 schools throughout New South Wales. The program assists schools to organise and conduct fishing as part of the schools' day-to-day activities. Students learn about fishing as a sustainable activity. Not only do children learn how to use a rod and reel and bait a hook but also they learn how to respect the fish they catch and release and the environment with which they engage when fishing—an issue that was referred to by many members during the debate. The schools participating in the program include Kariong Mountains High School, the Kincumber High School, Lisarow High School, St Peter's at Tuggerah, St Philip's at Port Stephens, Tuggerah Lakes, Berkeley Vale and—I am sure the Hon. Ben Franklin will be happy to know—Ballina High School.

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

Motion agreed to.

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

Questions Without Notice

PUBLIC SECTOR JOBS

The Hon. ADAM SEARLE (11:59:50): I direct my question to the Minister for Finance and Small Business. Given yesterday's disallowance of his wage cut regulation, will the Minister now guarantee the jobs of the 410,000 workers who would have been impacted?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:00:13): I thank the member for his question. The Government's policy in relation to the economy of New South Wales is job creation, not job dissipation.

The Hon. Daniel Mookhey: Did you tell the Premier?

The Hon. DAMIEN TUDEHOPE: It is the policies of members opposite that would excite much greater job loss in the community than the program of the Government. If the Hon. Adam Searle looks at the record of this Government he will find that this Government is about sending a message to everyone in the State—the eight million constituents of New South Wales—that we value their jobs. It does not matter whether a person is a public sector worker or a private sector worker; it is their job that we value and it is their job that we want to make sure is protected. I remind the House of the exact record of this Government on the creation of jobs in the public sector.

We are committed to continuing the record number of jobs that we have created. The Opposition tends to forget this. We have 4,600 new teachers in the system, 5,000 new nurses, 3,300 new health professionals and

1,500 new police because of the policies of this Government to promote jobs, to deliver jobs and to protect jobs. The decision made yesterday was based on an ideology of the few, in circumstances where we were trying to send a message to all those who do not have a job that we wanted them to have the dignity of a job in their family through the 20,000 jobs we wanted to create out of a wage pause. Private sector workers have already contributed. We ought to take note of the Transport Workers' Union, which has agreed to a wage freeze because it wants to protect jobs. That is the responsible position to take in circumstances when one really values jobs. This is a government that is protecting jobs, not— [*Time expired.*]

The Hon. ADAM SEARLE (12:03:14): I ask a supplementary question. Would the Minister elucidate on the part of his answer where he appeared to concede that his Government's policy would cost jobs? In light of that, I ask him to indicate to the House whether the Government will now abandon its plans to ask the Industrial Relations Commission to do the Government's work for it and to cut public sector wages?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:03:54): I do not concede that I ever made a concession that it was this Government's policy that it would ever be cutting jobs. It has been the policy of this Government, and it is the policy of this Government, to protect jobs. It is the policy of this Government to do all it can to protect jobs. Let me remind every Opposition member that one of the offers made by the Government was to have no forced redundancies. What did they do? They rejected it. Today we stand here in circumstances where those who are saying, "We want protection for our workers", are also saying, "But it is all on our terms." The proper attitude and fundamental position of anyone who wants to protect jobs is to start with those who do not have a job at all.

The Hon. Penny Sharpe: Are you talking to the Feds about JobKeeper?

The Hon. Wes Fang: Point of order: The interjections from the Hon. Penny Sharpe across the table are disorderly. The Minister is delivering a fantastic answer; he is actually providing a proper response. The Hon. Penny Sharpe should sit quietly, listen to the response and absorb the information that the Minister is trying to relay. I ask that she be called to order.

The Hon. Mick Veitch: To the point of order—

The PRESIDENT: I do not need to hear from the Hon. Mick Veitch. The Hon. Wes Fang started brilliantly with the point of order, moved to a debating point, made imputations against the honourable member and then insulted the honourable member. I do not uphold the point of order. The Hon. Wes Fang is already on one call to order. I am losing patience. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The Hon. Penny Sharpe raises the issue of JobKeeper. JobKeeper does come to an end. Why we are so fundamentally attached to a program that will deliver 20,000 jobs is that we recognise what is heading our way. The unemployment level in this State could be heading towards 500,000 people. Did the Opposition have any regard for a person without a job when it made the decision it made yesterday? Does the Opposition have any regard whatsoever? Members on this side of the House value those who do not have a job and we want to give those people a job.

The Hon. MARK BUTTIGIEG (12:07:23): I ask a second supplementary question. In his answer the Minister specifically referred to the fact that no forced redundancies were on the table as a result of the pay freeze. Will the Minister elucidate his answer? Does that mean that there will now be forced redundancies because the disallowance motion was passed?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:07:47): The offer was not accepted. The Government will go to the Industrial Relations Commission, as it indicated yesterday. The reality is that the Government has to deal with the economic circumstances that it faces. The fact of the matter is—and I will repeat this again and again—this is about jobs, jobs, jobs. This Government wants to create jobs.

The Hon. Mark Buttigieg: Apparently not.

The Hon. DAMIEN TUDEHOPE: That interjection from the shop steward who comes here to do the bidding of the unions—

The Hon. Daniel Mookhey: Point of order: Firstly, it is unparliamentary for the Leader of the Government to point at members. Secondly, he should refer to members by their proper title. Thirdly, if the Minister wishes to reflect on members, he should do so by way of substantive motion.

The PRESIDENT: I do not think the first or the third points of order are correct, but I uphold the second point of order. The Minister will refer to the honourable member by his proper title.

The Hon. DAMIEN TUDEHOPE: The Hon. Mark Buttigieg, who was formerly the shop steward with the Electrical Trades Union, comes here to do the bidding of that union while he has no regard at all for those people who have lost their jobs—

The Hon. Daniel Mookhey: Point of order: The Minister has now strayed to reflecting on the member. If the Minister wishes to do that, he should do so by way of substantive motion.

The PRESIDENT: The Minister is coming very close, at the very least. I ask that the Minister be directly relevant to the question.

The Hon. DAMIEN TUDEHOPE: The import of what occurred yesterday was the delivery of a message by those people, who would rather do the bidding of their union colleagues than act in the best interests of the people of New South Wales. This is a government that governs for the whole of the people of New South Wales. We on this side govern for the people who do not have a job. We want to see those people have a job. In terms of social equity in this State, this is a government that has a social conscience.

WILLIAMTOWN SPECIAL ACTIVATION PRECINCT

The Hon. TAYLOR MARTIN (12:10:25): My question is addressed to the Minister for Finance and Small Business. How will the newly announced special activation precinct at Williamtown benefit regional New South Wales?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:10:42): I thank the member for his question. It is a wonderful segue into the creation of jobs because this precinct is a living and breathing example of the focus of the Government on creating jobs. We want to create the right conditions in New South Wales for businesses to invest, for industries to thrive and for families to get ahead, especially in our regional communities. Special activation precincts are just one way we are making this happen. This is all about making it easier and more attractive for businesses to set up in regional New South Wales, create more jobs and grow key regional industries such as freight and logistics and advanced manufacturing.

On 28 May 2020 the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade, John Barilaro, announced Williamtown as the fifth special activation precinct, alongside Wagga Wagga Special Activation Precinct, Parkes Special Activation Precinct, Moree Special Activation Precinct and the Snowy Mountains Special Activation Precinct. The strategic location of Williamtown precinct next to the Royal Australian Air Force [RAAF] base creates opportunities to attract new and existing businesses, like Astra Aerolab and BAC Systems, in the defence and aerospace industries. This precinct will bring together specialised large-scale international prime contractors, small and medium enterprises, and research and development institutions to create jobs and attract talent into the region.

The New South Wales Government's investment in regional growth through the special activation precinct is funded from the \$4.2 billion Snowy Hydro Legacy Fund, which is dedicated to delivering transformative infrastructure projects that will benefit regional New South Wales for generations to come. The \$5 million commitment from this fund will enable the master planning and business case work for the Williamtown precinct to begin soon, with extensive consultation with the community, local councils, businesses and industries. This is all about attracting more money to regional New South Wales and creating job and career opportunities for locals and families. Now more than ever we are focused on supporting our regional communities.

CLETUS O'CONNOR CHILD SEXUAL ABUSE ALLEGATIONS

The Hon. PENNY SHARPE (12:13:11): My question is directed to the Minister for Education and Early Childhood Learning. The Minister may need to refer parts of the question to the community services Minister, Gareth Ward. When did the New South Wales Government become aware of the serious allegations against school principal, school inspector and teacher Cletus O'Connor at Gilgandra? When was the Minister informed of the investigation and compensation payments made to 14 victims of Mr O'Connor?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13:45): I thank the member for her question on a very serious issue. First and foremost our thoughts are with the survivors of the abuse in the 1970s and 1980s. As stated in the apologies that went to the survivors, those children, who are now adults, had a right to safety when they went to school. They were denied that right by the crimes of an adult that they trusted and the systems then in place were inadequate by today's standards. I am deeply sorry that those abuses occurred and I am sure that is something that is shared by all members of this House.

Since the Wood royal commission in 1997, the department has established the Employee Performance and Conduct Directorate to investigate all such allegations with the independent oversight of the Children's Guardian, reported all such matters to the Children's Guardian, required all school staff to be trained annually in their mandatory reporting obligations to the Department of Communities and Justice and to New South Wales police

and required all child-related staff to obtain a Working With Children Check as a condition of employment. As a result of the child abuse royal commission, the department has also adopted a trauma-informed approach to resolving historical abuse claims which aims to put the interests of the survivor first. The department only includes confidentiality clauses in historical sexual abuse settlements at the request of survivors and their lawyers and each survivor is advised that the Government does not require a confidentiality clause.

I can tell the member that the department manages all historical sexual abuse claims in accordance with the *NSW Government Guiding Principles for Government Agencies Responding to Civil Claims for Child Abuse* and the model litigant policy. These policies responded to the royal commission and emphasise the welfare of the survivor and a trauma-informed approach. The department settled the claims relating to the survivors of sexual abuse by Mr O'Connor. Appropriately the claims were settled without litigation. The safety of all students is paramount and full support has been and will continue to be provided to any victim of abuse. The member asked when I first became aware of those and I will say to her it was only very recently. I have since had discussions with the secretary and department in relation to this matter. As it is a matter that is ongoing, it is not appropriate for me to talk about the content of those discussions in this place at this time.

The Hon. PENNY SHARPE (12:16:04): I ask a supplementary question. I thank the Minister for that answer and I ask her to elucidate. What action has she or her department taken to investigate and/or contact any more victims of Cletus O'Connor, given that the investigations are ongoing?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:16:24): This is something that I have sought advice on. I can tell the member that the department investigates allegations against current employees and has rigorous independent processes to do so in conjunction with the NSW Police Force and the Children's Guardian. In relation to former employees, the department has no investigative powers and such matters are referred to the NSW Police Force. I will add that the advice that I have been given is that it is not appropriate for the department to make unsolicited direct contact with former students to inquire whether they are survivors of sexual abuse and whether they wish to take action about traumatic events in their past.

It is a choice for a survivor whether they wish to take action about those traumatic events, as it may cause further trauma if such matters are raised with them through a direct approach by the department. Survivors of abuse connected to government schools are entitled to make a claim either under the National Redress Scheme or by civil action. The department believes survivors and follows the Government's 19 principles for dealing with historical abuse matters. Obviously the department encourages survivors to contact the NSW Police Force, which then can conduct those criminal investigations into historical sexual offences.

The Hon. WALT SECORD (12:17:40): I ask a second supplementary question. Would the Minister be able to elucidate her answer in regard to a timetable on contacting further victims and survivors of Mr Cletus O'Connor?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:18:04): As I just said in my answer to the second question from the Hon. Penny Sharpe, this is not something about which the department has investigative powers. Such matters are referred to the NSW Police Force. But I do understand the genuine nature in which the question has been asked, so I will take it on notice and check with the NSW Police Force whether there have been any follow-ups. As I said, that is a matter that falls under their purview, not the department's.

SCHOOL CLEANING CONTRACTORS

The Hon. MARK BANASIAK (12:18:37): My question is directed to the Minister for Education and Early Childhood Learning. It was raised in the Public Accountability Committee hearing on 15 May 2020 that at least four cleaning contractors were not using cleaning supplies prescribed under New South Wales public health orders. What steps has the Minister taken beyond relying on busy principals to ensure that cleaning contractors that the Government has put at arm's length are adhering to public health orders?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:19:02): I thank the member for his question. Indeed it is an issue that he raised not long ago when both I and members of the department appeared before the Public Accountability Committee. During that process the member talked about specific schools and specific cleaning products and we did say that we would take that information on notice and come back to him in due course. I will check if there is a further update to be provided to the member, given that he has raised the issue again in the Chamber.

COVID-19 AND SCHOOLS

The Hon. WES FANG (12:19:35): My question is addressed to the Minister for Education and Early Childhood Learning. How is the New South Wales Department of Education ensuring our schools are clean and safe environments during COVID-19?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:20:00): We often say that there are two jobs in the Department of Education: jobs for those who teach and jobs for those who support those who teach. We often speak about the many wonderful and inspiring teachers across our State, and I have had the privilege to meet many of them as I have visited our incredible schools, but what we do not often speak about is the machine behind our teachers that supports them in delivering within their classroom. I am, of course, speaking about the many people behind the scenes across the entire department who, particularly over the last few weeks and months, have been an incredible team of professionals transitioning from dealing with frontline response to the recent bushfire season and turning to face the new challenges of COVID-19 head on.

Since March they have been responding to and coordinating support for school communities as they arise during the COVID-19 pandemic, such as providing additional soap and cleaning supplies. We all know and appreciate the risks that this virus poses. That is why we have taken every precaution and acted upon the advice of health experts when it comes to our schools. The New South Wales Government has committed an additional \$250 million to ramp-up cleaning across New South Wales public infrastructure, including at our schools. This has seen schools across New South Wales receive additional cleaning support to ensure high-touch points, including handrails, light switches and door handles, are regularly wiped down.

Since the outbreak of COVID-19 the department has also facilitated a significant uplift in the number of hours cleaners are on site in our schools. As I said before, this is no small task as there are 2,200 public schools across New South Wales, all of them with those additional cleaning hours in order to combat some of the issues arising from COVID-19. It is not just the physical cleaning of our schools but also the additional supplies that have been provided. Since the beginning of this term, schools across the State have been receiving packages to ensure that they have adequate hygiene supplies, including hand sanitiser, soap, toilet paper and paper towel. An army of departmental staff have been on hand to pack materials and facilitate the distribution. In fact—and this is a bit of a fun fact—as at 2 June 2020, we have distributed 1,336,533 hygiene supply items to schools across the State. In the situation that a member of a school community might return a positive test for COVID-19, the department has also established protocols to respond, including a full environmental clean of the school site. This has been a coordinated, whole-of-government approach with additional cleaning providers engaged to ensure that the cleaning can take place.

These are temporary but important measures to ensure the safety of our teaching staff and students. It is certainly my hope that parents and carers, as well as our teachers, take comfort in the knowledge that the department is providing this extra support and has put in additional measures to ensure the safety of students, teachers and our school communities during the COVID-19 pandemic. I again thank all members of our department who have played a role in coordinating this effort and importantly thank teachers, parents and students for the manner in which they have worked it out. [*Time expired.*]

SCHOOL STUDENT REPORT CARDS

The Hon. WALT SECORD (12:23:00): My question without notice is directed to the Minister for Education and Early Childhood Learning. What is the Minister's response to community concerns that parents may not receive grades and full reports on their children's educational progress because too many subjects could not be taught properly remotely?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:23:30): I thank the member for his question in relation to report cards. I say at the outset that all students will still be receiving a written report; I think that is important. It is something that families and carers particularly want to make sure that they can check on the learning and progress of their child. This question is a good opportunity to address some of the misinformation that has been in the media about this particular issue in recent days—in fact, as recently as today. New South Wales is not ignoring any Federal Government advice when it comes to allowing schools to approach student reporting for semester one differently due to COVID-19—in fact, the opposite is true.

The Federal Minister for Education removed the requirement for A to E student reporting for semester one as a result of the pandemic and its impact on student learning. Specifically, I can tell the member that Minister Dan Tehan made a determination under the Australian Education Regulation 2013 removing the requirement for student reports in term two to include assessment against a five-point scale—for example, A to E for each subject. What this means is that each State and Territory, including New South Wales, can determine the level of

information provided to parents and carers so long as they communicate details on their child's progress and learning achievements.

As I said at the outset, under the new requirements the department will allow a school to provide a simplified written report in an accessible form that is easy for parents and carers to understand, but there will still be a report produced. It can describe student progress and achievements on the learning covered during all of semester one, provide teacher comments to describe student learning using the five-point word descriptors and identify the next steps in learning and also provide information about student attendance and commitment to learning. This is a modified process. It gives principals that flexibility to modify the existing reporting templates and software they have to meet the new requirements. They can develop a new simplified report and they can continue to use the A to E scale where valid assessment judgements can be made. They can also incorporate outcomes from parent-teacher discussions for a more complete picture of student learning progress. The reports will or could potentially look a little different this term because of COVID-19, but we do expect to see a return to A to E reporting in every subject for future reports as we move back to full-time face-to-face learning.

The Hon. WALT SECORD (12:25:50): I ask a supplementary question. Will the Minister elucidate her answer in regard to simplified written reports, which she referred to in her answer. Is she now confirming that those simplified written reports will not necessarily include A, B, C, D and E grades?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:26:15): I think I covered that quite explicitly in my answer, where I said that the Federal Minister removed the requirement for A to E student reporting for semester one. They have removed the requirement for student reports in term two to include that assessment across a five-point scale, which could, for example, be A to E. It is pretty clear and the advice has gone out to school communities. I would say too that we have had positive feedback from principals and teachers in relation to this. I think it is a common-sense approach. We make sure that parents still get an update of their child's progress and learning, but obviously taking into account some of the disruption that we have seen because of COVID-19.

The Hon. COURTNEY HOUSSOS (12:27:00): I ask a second supplementary question. In her answer the Minister said that individual schools can determine the level of reporting that is required. Will the Minister outline what specific guidelines are being produced and distributed, and outline how many schools are continuing to use the existing reports?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:27:30): I thank the member for her second supplementary question. I am happy to take on notice what advice has gone out to principals in relation to the reporting. In terms of how many have used that advice, I will see what information we have. Obviously, principals and teachers are still doing reports because reports are not due for a while. I will get what information we have to the member in due course.

COVID-19 AND NEW PARENTS

The Hon. SHAYNE MALLARD (12:27:55): My question is addressed to the Minister for Mental Health, Regional Youth and Women. How is the New South Wales Government supporting new parents in managing their mental wellbeing during the COVID-19 pandemic?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:28:15): I thank the honourable member very much for his question. Mr President, did you know that over 500 babies are born every day in New South Wales? That is a very exciting thing. During lockdowns such as the one we are experiencing there are a lot of new mums and dads potentially missing out on the social and extended family support structures that are invaluable in the early months of parenting. Nearly one in five mothers and one in 10 fathers will experience perinatal anxiety and depression. This is often hidden and it is often misunderstood. It affects around 100,000 Australians each year.

Nearly 50 per cent of all parents experience adjustment disorders and, even as restrictions are easing, it is a challenge for any parent with a new baby. I am sure most members in this place would understand that. Social networks have been disrupted and it is going to take time for things to get back to normal. On 1 April we announced a big injection into mental health services: a \$73 million funding boost. Part of that injection was a \$1.5 million investment to make the Tresillian SleepWellBaby app free for 50,000 new parents. I am absolutely delighted to inform the Chamber that since we have launched the free app, it has had 14,891 downloads, which is incredible. The feedback we have had has been so positive.

The top three information cards have been the core philosophy of sleep, settling tips and self-care and postnatal depression information. The distribution of the babies' age groups is very interesting, with 36 per cent of the downloads for parents of babies from zero to three months, the highest category. Parents of babies aged from three to six months accounted for a whopping 30 per cent, and parents of babies aged six to eight months

accounting for 14 per cent. One of the really positive things that has come out of offering this app for free is the number of GP referrals for people who have downloaded the app. There have been 2,579 issued. That is 2,579 people who now have a GP referral. They are in the process of getting the help they need, having put up their hands for it, thanks to this app.

There were 3,248 inquiries and downloads relating to babies with breathing and snoring issues and 1,071 relating to reflux, which can be very distressing for not only the baby but also the parents. It is a very difficult issue to deal with. I am really proud of this app. I give a huge shout-out to Tresillian. It is an incredible organisation to work for and, more importantly, it is making parenting easier for families, which is one of the most essential things we can do. It is a great app. I encourage all members to have a look at the Tresillian baby app. [*Time expired.*]

FIREARMS REGISTRY

The Hon. ROBERT BORSAK (12:31:26): My question is directed to the Minister for Finance and Small Business, representing the Minister for Police and Emergency Services. For each category of firearm licence—category A, B, C, D and H—what are the minimum, mean, medium and maximum wait times between the NSW Firearms Registry receiving a notice of purchase from a firearms dealer and the Firearms Registry issuing a certificate of registration to the firearm purchaser for the years 2017, 2018, 2019 and 2020 and from 1 January to 1 June 2020?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:31:59): Given the detailed nature of the question, I am happy to take it on notice and will get a detailed response for the member.

SCHOOL HAND SANITISER SUPPLIES

The Hon. COURTNEY HOUSSOS (12:32:28): My question is directed to the Minister for Education and Early Childhood Learning. Is the Minister aware of photographs depicting hand sanitiser liquid that bears a warning label that states the liquid, "causes serious eye damage" and "is suspected of causing cancer" being given to students and teachers at a western Sydney school, and will she investigate?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:32:57): I thank the member for her question. The short answer is, no, I am not aware of that. If the member has further information—and I am happy for her to do so outside the Chamber—it would be useful to give me the name of the school so we can follow it up immediately. It would be concerning if what she is saying is correct. As I said, I have not seen the photos but I will take her at her word. I would appreciate it if she passed on the details. Should the Hon. Courtney Houssos or any other member receive any information concerning school supplies, they should not wait for question time to let me know. We are happy to look into those issues.

The Hon. COURTNEY HOUSSOS (12:33:31): I ask a supplementary question. Will the Minister elucidate her answer and outline the steps the department has taken to ensure that the products dispatched from its central warehouse are safe for children's consumption?

The Hon. Trevor Khan: Point of order—

The PRESIDENT: Is the point of order that it is a new question?

The Hon. Trevor Khan: Yes.

The PRESIDENT: Thank you. I uphold the point of order. If the Hon. Courtney Houssos wants to speak to the point of order she may but as far as I am concerned I have ruled. A supplementary question must come from at least part of the answer given. I have gone through the three rules that need to be followed. I cannot see how the original question or the Minister's answer that she will take the question on notice are applicable. It appears to be a new question.

BUSINESS CONNECT

The Hon. SAM FARRAWAY (12:34:46): My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government's Business Connect program helping small businesses in this challenging time?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:35:04): I thank the member for his question. It is a good opportunity to again highlight the importance of getting advice about businesses and how they are surviving a difficult time in their lives. Clearly a business having no customers and no income and commitments to meet creates very challenging circumstances. The Business Connect program is a dedicated and personalised service that provides practical advice and training to support New South Wales small businesses to start, run, adapt and grow. Business Connect provides high-quality professional business advice and

skills training events across every local government area in New South Wales. The New South Wales Government has injected \$14 million of additional funds into the Business Connect program to help small and medium businesses navigate the pandemic. Business Connect advisers have assisted more than 28,000 businesses over the past three years, with those businesses creating and supporting more than 15,000 jobs since 2017. In the past three months since 1 May 2020 the program has assisted around 3,300 small businesses in what has been a difficult period for small business.

Business Connect helped Anthony Pellegrino at the Blackrose cafe in Liverpool by providing the advice and expertise he needed to diversify his Italian restaurant during the closure so that he could sell not only takeaway meals but also pasta sauces, meat and wine and use social media more confidently and effectively. There are 40 new advisers, including five with a background in tourism, being deployed across New South Wales, bringing the total number of advisers to 120. A number of the new Business Connect advisers have experience running their own businesses in industries that have been dramatically impacted by the COVID-19 pandemic, including the arts and creative industry, retail and tourism. Rob Drage, who moved to Orange three years ago, is one of the new advisers. During that time he started his own family business. He is working with business owners throughout the central west as they seek to refocus as restrictions ease and venues reopen, to build resilience, to overcome hurdles and to seize new opportunities. As the restrictions ease, the challenge is to evolve to operating in a COVID-safe environment. Free advice from a Business Connect adviser can make all the difference. We encourage businesses to reach out and seek advice.

DISABILITY ADVOCACY SERVICES

Ms ABIGAIL BOYD (12:38:10): My question without notice is directed to the Minister for Education and Early Childhood Learning, representing the Minister for Families, Communities and Disability Services. The much-awaited report from the Ageing and Disability Commissioner into disability advocacy was delivered six months ago but the Government has still not indicated whether it will accept the commissioner's recommendation to provide secure long-term funding to the independent disability advocacy sector. Is the Government expecting that those organisations will have to wait until the budget in November or December of this year to learn whether they will have funding past the end of year, by which time, with only around four weeks of funding left, they will already have had to end leases and lay off staff?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:39:04): I thank Ms Abigail Boyd for her question, which she asked of me in my capacity representing Minister Ward. On behalf of the Minister, I have some advice for her. She would be aware, and no doubt other members of the House would be aware, that New South Wales was the first State to sign up to the NDIS. It was an historic moment for our State as we put people with disabilities at the heart of the system, giving them choice and control over the future. We know that many people with disabilities require advocacy, and that comes in many forms: their family, their friends and the outstanding advocates who deeply care for people who often have very complex needs.

The Government does not want people falling through the cracks. That is why we established the Ageing and Disability Commissioner to guard against the abuse, neglect or exploitation of people with disabilities. With respect to advocacy funding, I can advise the House that there has never been more funding available for disability advocacy services. The Government recognises the important role of advocacy organisations in ensuring that all people with disability have the opportunity to access independent support and information, regardless of whether they qualify for the NDIS or not. Funding for information and advocacy services may be provided through NDIS participants' plans or through NDIS Information, Linkages and Capacity Building [ILC] funding. ILC funding is all about making the scheme sustainable by providing supports that keep people out of the system. People who are not NDIS participants can also receive access to advocacy services through the ILC.

In relation to the member's question, I can say that the House is aware that the Ageing and Disability Commissioner's report on disability advocacy funding was delivered to both Houses of Parliament on 19 December. At that time, in order to provide funding certainty to advocacy services, the Minister for Families, Communities and Disability Services announced an extension to the Transitional Advocacy Funding Supplement through to the end of this year, as the member referenced in her question. The Minister has met with advocacy groups and explained that the Government is working through the recommendations and will provide a response in the near future. To inform New South Wales decision making and contribute to the national review, the commissioner was tasked with reporting to Parliament on funding arrangements for independent specialist advocacy. The commissioner's report recognises the need for a contemporary and sustainable disability advocacy system and a move away from the "cottage" industry to one that is streamlined and focused on individual and systemic advocacy.

Ms Abigail Boyd: Point of order: The standing orders require answers to be directly relevant to questions. So far I have not heard anything directly relevant to my specific question.

The PRESIDENT: I do not have a copy of the question. I remind members that it helps if I am provided with a copy of questions after they are asked. I believe the Minister was being directly relevant to parts of the question.

The Hon. SARAH MITCHELL: I inform Ms Abigail Boyd that the Government is currently working through the 11 recommendations in the commissioner's report and funding will be considered as part of the budget process.

Ms ABIGAIL BOYD (12:42:35): I ask a supplementary question. I ask for elucidation of whether the answer means that those organisations will have to wait until November to work out if they will need to have already closed their doors by December.

[Opposition members interjected.]

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:42:54): While I appreciate the assistance from those opposite, I say to Ms Abigail Boyd that this is the information I have been provided. I will take her supplementary question on notice and come back to her.

SCHOOL SUPPLIES

The Hon. COURTNEY HOUSSOS (12:43:27): My question is directed to the Minister for Education and Early Childhood Learning. Will the Minister outline what steps the department has taken to ensure that products dispatched from its central warehouse are safe for children?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:43:42): I thank the Hon. Courtney Houssos for her question—a surprising one to be asked. I will take it on notice and get advice from the department on the processes that have been put in place for the supplies that have been dispatched to schools.

BUSHFIRES AND SCHOOLS

The Hon. TREVOR KHAN (12:44:15): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the work being undertaken by the New South Wales Government to help schools in bushfire-affected communities and their recovery?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:44:45): The Government is as committed as ever to the recovery and support of our communities that have been affected by the devastating bushfires of 2019-20. Our thoughts continue to be with everyone impacted by those fires, whether that be physically or emotionally. Many of these communities have been hit by disaster three and sometimes four times over recent months, through drought, flood, fire and most recently COVID-19. More than ever, they are in dire need of specialised and targeted support.

More than 189 schools were impacted by the bushfires in New South Wales, with some schools burnt to the ground, others damaged and many requiring evacuation. More than 50,000 students were directly affected by school closures, emergency evacuations, respiratory issues from thick bushfire smoke and more. The Government is dedicated to working with bushfire-affected school communities through our newly established bushfire relief strategy. The bushfire relief strategy is centred around direct consultation with the affected communities to ensure that the plan is shaped by the schools and that the education-related issues that need to be addressed are dealt with at a local level.

That is why it is particularly important for me, as education Minister, to meet with as many principals as possible from the affected schools to discuss the impact the fires have had on their schools and broader communities. Earlier this year I was able to do so in person, but recently through a virtual meeting I had the opportunity to speak with principals directly, along with more than 200 other affected community members and key stakeholders. The bushfire relief strategy has already made a significant impact on our schools in affected areas. We have put in place a number of initiatives, including the swift rebuilding of Wyaliba and Bobin public schools prior to the commencement of the 2020 school year.

Fifteen additional schools required significant repairs to structures and grounds, all of which were completed in time for staff and students to return for term 1, 2020. We have secured five days of special leave for department staff who volunteered their services during the 2019-20 vacation period. We have enabled 67 schools in bushfire-affected areas with staffing entitlement maintenance, meaning that regardless of the number of enrolments at the school the number of teachers there will stay the same. We have rolled out additional school counselling support, based on the individual needs of schools.

As a government, our priority has been making sure no child misses out on their education, whilst balancing that with appropriate mental health support. We have also provided principals and directors in bushfire-affected

communities with one-on-one coaching and professional support to help boost their resilience and ability to manage in times of crisis. These are just some of the initiatives that shape the bushfire relief strategy. They deliver immediate help and support recovery and building resilience over the long term to ensure schools are well prepared and ready to face the next bushfire season. We are committed to ensuring that our schools are appropriately prepared and communities in bushfire-affected communities should rest assured that we have not diverted our attention away from them and from supporting them— [*Time expired.*]

GAMING MACHINE TAX

Ms CATE FAEHRMANN (12:47:51): My question without notice is directed to the Minister for Finance and Small Business. The deferral of gaming machine taxes has been provided on the condition that these funds are used to retain staff in hotels and clubs. How is the Government ensuring that all of the funds saved are used to retain staff, particularly if those businesses are also receiving JobKeeper assistance and payroll tax exemption on JobKeeper wages?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:48:26): I thank Ms Cate Faehrmann for her question. Gaming tax is appropriately a question for the Minister for Customer Service.

The Hon. Daniel Mookhey: You're responsible for it. You're a party to the Act.

The Hon. Trevor Khan: Point of order: The Hon. Daniel Mookhey is interjecting. I ask you to invite him to not interrupt the Minister while he is answering the question.

The PRESIDENT: I uphold the point of order. I call the Hon. Daniel Mookhey to order for the first time. I have given enough warnings.

The Hon. DAMIEN TUDEHOPE: I will certainly get additional information, but it gives me an opportunity to say that the concessions made by the Government during this pandemic relating to relief from gaming tax and the like have been about trying to relieve businesses from the obligations they may have to the Government to make sure that those businesses survive. When the Government embarked on a program and gave relief to businesses from a whole series of fees and charges, it was predicated upon the presupposition that it wants those businesses to support the jobs of the workers that they employ. To the extent that the member's question goes to ensuring that no jobs are lost in the hospitality industry, it is the expectation of the Government that those incentives be used for the purposes of making sure those jobs are protected.

If the club is shut there is probably not a lot of revenue coming into the club by way of gaming tax being collected. It is self-evident in many respects that relief in relation to gaming tax would be provided in circumstances where those clubs have closed because of social distancing and the like. To the member's question, the relief in relation to gaming tax does have a correlation to jobs because we want those clubs, especially the small clubs, to survive the pandemic and employ all those people who provide services to the hospitality sector.

The Hon. Wes Fang: Point of order: As the Hon. Trevor Khan indicated in his point of order, the interjections from the Hon. Daniel Mookhey are disorderly and I ask you to call him to order.

The PRESIDENT: I uphold the point of order. I indicate to the Hon. Daniel Mookhey that I cannot give him any more leeway. He will be called to order for a second time if there is one more interjection. Breathe very quietly so that I do not accidentally think it is an interjection.

Ms CATE FAEHRMANN (12:52:50): I ask a supplementary question. In his answer the Minister said that it was the Government's expectation that staff will be retained as a result of the gaming machine taxes deferral. Will he please expand on the measures that the Government has put in place to ensure that the expectation that staff be retained is met?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:53:22): The measure that we put in place, which may come as a surprise, is deferring or a relief from tax obligations. As I said before, it is self-evident that those clubs have been closed have no income to meet their obligations of paying gaming tax. The gaming tax assessment period has automatically been deferred to 1 September. To date, this measure accounts for nearly \$400 million that would otherwise be due to 471 clubs and 1,024 hotels. The Government's vision is to do everything possible to make sure those businesses survive. Every individual business in this State will have to make its own decisions about its survival.

The Hon. Rose Jackson: You made it contingent—

The Hon. Trevor Khan: Point of order—

The PRESIDENT: I wanted to give the Hon. Rose Jackson an opportunity to finish her interjection before I gave you the call.

The Hon. Trevor Khan: The interjections and the mock outrage are unnecessary. The Minister is answering the question and the member—

The Hon. John Graham: Is that yours or hers?

The Hon. Trevor Khan: I do outrage much better.

The PRESIDENT: This is my last warning. Members will cease interjecting.

The Hon. DAMIEN TUDEHOPE: In relation to the deferral, each and every one of those businesses will need to make an assessment of viability. We want to give them the best possible opportunity to reopen their doors and attract patrons as they were able to do previously. It is a welcome sight that we are opening up clubs and pubs on a rolling basis. I encourage members to get out and use those facilities. We want to see those facilities survive. [*Time expired.*]

SOUTH WESTERN SYDNEY LOCAL HEALTH DISTRICT MENTAL HEALTH SERVICE

The Hon. TARA MORIARTY (12:56:00): I direct my question to the Minister for Mental Health, Regional Youth and Women, in her own capacity and representing the Minister for Health and Medical Research. What is the Government's response to the Deputy State Coroner's inquest into the tragic death of a two-year-old girl in September 2016, where the Deputy State Coroner stated that there were significant failures by the South Western Sydney Local Health District Mental Health Service to provide adequate care to the girl and her mother?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:56:50): I thank the honourable member for her question. I express my deepest sympathies to all who loved and cared for the child who cannot be named. Comprehensive internal investigations were conducted following this tragic incident and recommendations have been implemented. As the member alluded to in her question, the South Western Sydney Local Health District has reviewed and improved its model of care to support the teams in delivering mental health services in the community. However, the handing down of the inquest findings are still in progress. That is all that I can say on this very tragic incident.

INVESTING IN WOMEN PROGRAM

The Hon. SHAYNE MALLARD (12:57:44): I address my question to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on the 2020 Investing in Women grants?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:58:05): I thank the member for his question. I am pleased to report the 2020 grants round for the Investing in Women program closed this week. Interest in the program, as evidenced by the number of applications, has increased each year. A record 239 applications were received this year, up from 192 in 2019. That really is terrific news. Investing in Women is a unique statewide program that funds projects which enhance the lives of women and girls living in New South Wales. A share of \$400,000 will be made available to successful applicants, with projects funded according to their stage of development. Since 2013 Women NSW has delivered six rounds of the program, providing more than \$1.8 million to a diverse range of providers, including not-for-profit groups, businesses and leading universities.

Leadership and career training for rural and regional aspiring entrepreneurs, financial literacy workshops run by the University of Newcastle and Her Sports Festivals from Wheelchair Sports NSW were some of the projects funded in the 2019 round. During NSW Women's Week I met with women whose lives had been positively impacted by the Investing in Women grants. In Bathurst I met with Barnardos and participants from its program, the Three Wise Women coffee cart. The program provides training, education and employment opportunities for women who have recently been released from prison.

This is really a terrific program that is getting fantastic results for women who have faced very difficult circumstances and are coming out the other side by gaining employment and training. It was such a privilege to meet and speak with those women in Bathurst. As the Minister for women, my goal is to promote women's economic and social empowerment and improve their health outcomes in line with the NSW Women's Strategy. The successful recipients of the Investing in Women grants will help us achieve that goal by delivering innovative, evidence-based, grassroots solutions for the issues facing women and girls. I am passionate about this grants program as it is one of the few across New South Wales that funds projects that focus solely on women and young girls. This is more important than ever as we face uncertain economic times—especially for vulnerable women.

Investing in Women targets priority groups for funding, including Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds and women living and working in regional New South Wales. By ensuring that all women have opportunities, have pathways to contribute and have positive health outcomes, we can increase women's participation in their communities and in the workforce. This is not just a women's issue; it also makes a difference to individual families and to our community as a whole. As the Minister, I am really proud to be delivering this wonderful program again in 2020. I very much look forward to sharing with the House details of the successful applicants' projects for this year's program when they are announced. [*Time expired.*]

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

SCHOOL HAND SANITISER SUPPLIES

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:01:15): Earlier in question time the Hon. Courtney Houssos asked me a question about hygiene supplies. The hygiene supplies that have been provided to schools comply with standards and are sourced from reputable sources. I have also been advised that the hand sanitiser, which she specifically asked about, complies with NSW Health advice in relation to the percentage of alcohol. It also meets the certification of the minimum standards from the World Health Organization. I can further advise the member that products are also validated through the procurement process.

Supplementary Questions for Written Answers

SCHOOL HAND SANITISER SUPPLIES

The Hon. COURTNEY HOUSSOS (13:02:03): My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Is the Minister able to outline which New South Wales public schools have been provided with hand sanitiser with a category 2 carcinogenic warning or with a "suspected of causing cancer" warning label listed on the bottle?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. MARK LATHAM: I move:

That the House take note of answers to questions.

PUBLIC SECTOR JOBS

The Hon. MARK LATHAM (13:02:43): I take note of the answers given by the Leader of the Government about employment creation. He made some very good announcements on that front, but we need many more because during the course of our sittings today the national account figures have been released. The very bad news is that New South Wales is leading the nation into a deep recession. The national economy contracted by 0.3 per cent in the March quarter and final State demand measured around the States of the Commonwealth has dropped by the biggest amount in New South Wales.

In fact, some of the States have had an increase in final State demand in the March quarter: Western Australia is up by 0.9 per cent and Tasmania is up by 0.6 per cent. In some States the drop in this key indicator has been relatively small. In Victoria it was 0.1 per cent and in Queensland it was 0.3 per cent. New South Wales has by far the worst number: a 1.5 per cent collapse in final State demand in the March quarter. We know, of course, worse is to come. In the current June quarter the figures will be far worse. Australia has ended its world record period of 29 years of continuous economic growth.

A deep recession is no pretty thing. Around the Chamber we all support social justice in different ways and have different interpretations and different policies. But I can tell you one thing: Having been a public representative in south-west Sydney and being old enough to remember the recession of the 1990s, you ain't seen anything yet in terms of social suffering until you have seen a recession. The zing and happiness of communities falls away. It is not just about the loss of income and employment, the dignity of work. It is that feeling that we are on the up—that is all gone. There will be family breakdown and social fragmentation. These are dreadful times for New South Wales. The figure of 1.5 per cent in our State I would presume is a product of our international exposure. As a State we rely much more on the tourism and hospitality industries—that is why we have taken the biggest hit.

The Hon. Damien Tudehope: Education.

The Hon. MARK LATHAM: The Minister mentions education. That is true. In fact, if New South Wales had a result equivalent to that of Western Australia in these figures I would hazard a guess that we would not have had a negative quarter in March. We are taking the heaviest hit because of the nature of our economy. I point out the importance of mining in Western Australia. You have to support mining. You have to support the resource sector, which is so resilient in Western Australia that it has given them a boost in final State demand. If anyone thinks a ban on uranium mining is good, they are wrong. They are also wrong on nuclear power and doubly wrong on gas. We will hear more about that later today. You have to support jobs wherever you can find them. I have made these points repeatedly in public debates about environmental regulation, identity politics, harmony councils and development restrictions. Anyone who thinks those things are more important than jobs should have a look at the figures today and what they mean for our communities. To give the House an account, I catch the train of a morning. Thousands of cars have disappeared at Lurnea station. It is a lonely ride in. [*Time expired.*]

STATE ECONOMY

SCHOOL STUDENT REPORT CARDS

The Hon. WALT SECORD (13:05:52): As the shadow Treasurer I speak in relation to answers given on wages and education. I see that the Berejiklian Government today has recommitted to its plan to slash the wages of 410,000 workers. I saw the finance Minister today double down. The fact is we need the stimulus effect of those wages more than ever. I have lived in Australia now for 32 years. I was here during the height of the last recession. I absolutely concur with the Hon. Mark Latham that there is an evaporation of hope and inspiration in the community.

The Federal Treasurer was up-front with the community this morning and he confirmed that we are going to have the first recession in 29 years. We do not find the same from this Government. We are yet to have a financial impact statement or any genuine discussion of the state of the finances in New South Wales. I have written to the State Treasurer twice seeking a briefing on the size of the deficit. That has not been forthcoming. New South Wales is no longer the engine room of the Australian economy. We have slipped behind Victoria. We have slipped behind Western Australia. It is quite obvious why Mark McGowan is the most popular Premier in Australia. He has rejuvenated Western Australia. We are now debating whether it is going to be a W-shaped or L-shaped recovery. We fear, pray and hope that we are not headed for an L-shape where we simply flatline. I remember 1991.

As for education and remote learning, parents know whether they were unable to support their children with remote learning and remote access. From personal childhood experience with my father, who was illiterate, I know our household would have been unable to educate and support me during COVID. It is very disappointing that there will be no grades or proper written reports sent to parents at the end of this semester. It is no wonder that under this Government New South Wales has slipped to twenty-first in the world. When Bob Carr was Premier, New South Wales was equal to the Australian Capital Territory and Finland. Now we are twenty-first in the world and rural and regional New South Wales education levels in numeracy and literacy are fortieth in the world. That is extraordinary. We have gone from equal first in the world with the Australian Capital Territory and Finland to fortieth. I pray for the next generation and literacy standards in New South Wales.

WILLIAMTOWN SPECIAL ACTIVATION PRECINCT

The Hon. TAYLOR MARTIN (13:08:49): I take note of the Leader of the Government's answer to my question earlier today regarding the Williamstown Special Activation Precinct that the Deputy Premier announced last week. A special activation precinct, or SAP, is a dedicated area in a regional location identified by the New South Wales Government to become a thriving hub of activity. SAPs will create jobs and attract business and investors to fuel economic development in regional New South Wales to ensure regions are well placed to grow and meet future economic needs. I cannot understate what a game-changer this will be for job prospects, job creation and growth, particularly in Port Stephens. This announcement is not just an election promise delivered but exceeded. Prior to the 2019 election the Liberal candidate for Port Stephens, Jaimie Abbott, announced that scoping studies would be conducted to develop a business case for the Williamstown special activation precinct. At the time Ms Abbott said:

Making Williamstown a special activation precinct will provide a myriad of opportunities with industries beyond defence. These include industries such as agribusiness, forestry, resources and mining, tourism and hospitality, tertiary education and skills, health and residential care, freight and logistics, advanced manufacturing, renewable energy and technology-enabled primary industries.

That is why the Deputy Premier, Parliamentary Secretary the Hon. Catherine Cusack and myself were beyond pleased to be present for the announcement last week. It must be said that Port Stephens Council, under the leadership of mayor Ryan Palmer and deputy mayor Chris Doohan, did a large amount of legwork to make the Williamstown SAP a priority. In fact, Port Stephens Council named progressing the Williamstown special activation precinct as the number one priority in its 2020 community advocacy priorities. In particular, the council wants to

unlock the potential of the land surrounding the Newcastle Airport, driving aerospace investment, innovation and 6,000 jobs in Port Stephens—that is the aim.

We on this side of the Chamber want the Hunter to have high-paying, high-skilled career opportunities available to residents, especially giving students local job opportunities in the Port Stephens once they have finished school. We have made decisions that mean that we can support great projects like the Williamstown special activation precinct that could not have happened without the rigorous financial management of this Government over the last nine years and decisions such as the one that led to the creation of the Snowy Hydro Legacy Fund. This Government's financial management is in stark contrast to the financial management of those opposite, who would much rather give this money to pay rises for bureaucrats at a time of economic crisis. The investment in the Williamstown SAP comes from the \$4.2 billion Snowy Hydro Legacy Fund and it is another project that will benefit regional New South Wales for generations to come.

DISABILITY ADVOCACY SERVICES

Ms ABIGAIL BOYD (13:11:45): I take note of the answer by the Deputy Leader of the Government in this House to my question in relation to independent disability advocacy funding. We have talked about funding for independent disability advocacy organisations since the beginning of this session of Parliament. I would like to remind members of some of the discussions we have had about this issue. On 6 June, when we were discussing the Ageing and Disability Commissioner Bill, The Greens moved an amendment to ensure that these organisations received their funding and the Hon. Damien Tudehope responded:

I assure the House that the Minister acknowledges the importance played by advocacy services. He acknowledges that some people will be covered by advocacy services provided in the National Disability Insurance Scheme [NDIS] ... But some people will not be covered by the NDIS and we ought to ensure there is adequate provision for advocacy services.

Members can imagine my disappointment when, having tipped off the Minister that I was going to ask a question on disability advocacy services today, I received a minute or so on the NDIS, which is clearly irrelevant. On 18 June, in relation to the same bill, the Hon. Matthew Mason-Cox said:

It is incumbent upon this Government to deal with that uncertainty to provide those organisations with a clear picture of the future. ... It is important that they understand that they will not be left high and dry and that their services will be appropriately funded to ensure that disabled people can access those services when they need them..

Yet here we are with the same organisations being forced again to negotiate leases and lay off staff knowing that they only have funding until December. On the same date the Hon. Damien Tudehope said:

In terms of the assurances that members are seeking that disability advocacy groups continue to be funded, the Government gives a commitment. ... I urge members ...[to] await the outcome of the Minister's consultation with the disability groups to identify the gaps so that all services are properly funded.

Here we are a year later. I go on; on 8 August 2019 Minister Tudehope said:

I must say that perhaps Abigail Boyd is a few months early in moving this motion.

This was said because we were waiting for the recommendations of the Disability and Ageing Commissioner, which we now have and those recommendations support this motion. The Hon. Matthew Mason-Cox said:

I think we can take great confidence from the Minister's public comments that he will move quickly to deal with any issues that arise, and to settle the funding and ensure that there is certainty as soon as possible. We need to accept his word in that regard. ... The new Minister has the utmost good will to resolve the matter as quickly as possible. Let us give him the opportunity. ... Hopefully the issue can be resolved as soon as possible and there will not be any unintended consequences for organisations that rely on this funding.

PUBLIC SECTOR JOBS

CLETUS O'CONNOR SEXUAL ABUSE ALLEGATIONS

DISABILITY ADVOCACY SERVICES

The Hon. PENNY SHARPE (13:14:55): I wish to take note of three answers to questions that were given today. First, I refer to an answer given by the Hon. Damien Tudehope in relation to the economy and jobs. I make the following points: Every dollar that is spent in the economy creates jobs. It does not matter where that dollar comes from because basically the more money there is, the more we are able to spend and the more businesses and all of us will benefit. The idea that New South Wales is going to cut \$3 billion out of the economy by cutting public sector wages and somehow that is going to create jobs is the biggest furphy that this Government is trying to perpetrate.

What I particularly take issue with is the idea that members on this side of the House do not care about people who have lost their jobs, do not care about small businesses, do not care about how hard conditions are for some people in this community. Some of us on this side of the House have spent quite a bit of time in the last few weeks doing work around food security and we have seen lines of people who cannot feed their families because

they have lost their jobs. Some of them are temporary visa holders, some are owners of small businesses and some are small traders who work out of their houses. Some of these people are arts, media and entertainment workers who have had no money and nowhere to go.

We have international students who have been affected and have nowhere to go. They cannot go home, they have no money and they are literally lining up around the block for food vouchers. The idea that we do not care about these people's work or we do not think they are important is something I am not prepared to countenance. I will not let the record suggest that because we think that it is better to put \$3 billion into the economy to help stimulate the economy and create jobs, somehow we do not care about anybody else who has lost their job. That is simply incorrect.

In relation to answers given by the Hon. Sarah Mitchell on Cletus O'Connor, this is a very dark stain on the New South Wales education department. So far we know that there are 14 victims who have had multimillion dollar payouts as a result of this serial paedophile who was operating throughout the north-west of New South Wales in the 1970s, 1980s and 1990s. We need to know when his activities first came to light and what investigations were happening. Most importantly, I believe that there is a moral obligation for the Department of Education to do whatever it can to make sure that those communities where he was operating are aware that they can get access to support and victims compensation, because if 14 victims have been found we can bet our bottom dollar that there are plenty more we do not know about.

Thirdly, and the Hon. Abigail Boyd made this point very well, Minister Gareth Ward gave the Hon. Sarah Mitchell the worst answer on disability advocacy services. The Minister in that answer even called our current advocacy system "a cottage industry". We have debated this issue over a very long period of time. What these organisations are seeking is \$15 million a year to help thousands of people to navigate their way through the disability sector and get the help and support of mainstream services that New South Wales provides. The Government has to commit to that funding and needs to commit to it now.

SCHOOL CLEANING CONTRACTORS

SCHOOL HAND SANITISER SUPPLIES

The Hon. WES FANG (13:18:01): I take note of answers given today by the Hon. Sarah Mitchell, the Minister For Education and Early Childhood Learning. Firstly, the Minister gave an answer to my question concerning school cleaning and hygiene and what the Minister and the department have done to make schools COVID-19 ready. We need to reflect on the work that has been done in a very short time frame by the department in what is a very difficult time to get schools ready by introducing touch-points cleaning and extra classroom cleaning. We need to acknowledge that the work being done by cleaners of schools is really important. This Chamber should be very proud of the collaborative approach of those workers and the department to make sure that cleaning supplies are available. I note there was another answer by the Minister for Education and Early Childhood Learning to a question from the Hon. Courtney Houssos about hand sanitiser. I place on record my concerns about the way in which these questions are framed. What we need to do during a time when—

The Hon. Penny Sharpe: If you don't like them—

The Hon. WES FANG: You have had your turn; allow me to have mine. At a time when people are highly sensitive about people's health and ensuring safety, we need to ensure that we do not run a scare campaign—

The Hon. Penny Sharpe: Point of order: This is a take-note debate for answers given, not questions raised. The items being canvassed by the member have nothing to do with the answer that was given.

The Hon. Mick Veitch: To the point of order: When a member takes a point of order, it is unparliamentarily for another member to sledge across the table. Mr President, I would ask that you call the member to order for his unparliamentarily conduct.

The PRESIDENT: I call the Hon. Wes Fang to order for the second time. When the sessional order first came into effect it had a limited scope that it be based on the answer only. I have given rulings to that effect. If I recall, and I am happy to be corrected, the Leader of the Opposition moved a further amendment to the sessional order so that it incorporated:

The speaker will be in order as long as the contribution is relevant to the subject matter of the question asked and the answer given. Accordingly the take-note debate does not have to be limited to the question that was asked.

The Hon. WES FANG: Point of order—

The PRESIDENT: Let me finish my ruling. This is not the first time a member has taken a point of order that the debate is about an answer only. I called the Hon. Wes Fang to order for the second time because he

continued to interject and was not acting in an appropriate manner. The only person in this Chamber who can give a direction to a member is the Chair; not another member. I have made that clear on numerous occasions. That is why I called the Hon. Wes Fang to order for the second time. I am happy to hear from the member if he has a new point of order, I have already ruled on the previous one.

The Hon. WES FANG: Point of order: I believe the Hon. Penny Sharpe took that point of order in order to burn my time on the clock. That is unparliamentarily. She was aware of the change to the standing order. Mr President, I would ask you call her to order.

The PRESIDENT: Let me make something very clear, I knew how much time was on the clock. I could easily have not ruled on the point of order. I took the time necessary because of the continual interjections and the behaviour of the Hon. Wes Fang. It has nothing to do with the Hon. Penny Sharpe taking a point of order.

GAMING MACHINE TAX

Ms CATE FAEHRMANN (13:24:24): I take note of the answer provided by the Leader of the Government to my question on the gaming machine tax deferral. Clearly the Government has not put in place any measures to ensure that the money saved by clubs and hotels goes towards retaining staff. To be honest, that demonstrates once again the clear favouritism that this Government shows to hotels, clubs and gaming and poker machine venues. The Minister said in his answer that no tax was collected during the two months because venues were closed and, therefore, poker machines were not operating. In fact, the Government deferred the poker machine taxes from the previous quarters, which were due in March and June, until 1 September. Of course there is a lot of money there. The Minister said it himself in his response. It has been reported that discussions are taking place with ClubsNSW and the Australian Hotels Association about further leniency.

The Australian Hotels Association said that it will take some time before revenue returns to normal and any deferred tax bills are likely to cause financial hardship in the months to come. It even suggested that the taxes be waived entirely. ClubsNSW and the Australian Hotels Association have publicly indicated that they are pressuring the Government to defer or waive these gaming taxes entirely. They have boasted that their pressure on the Government led to this. New South Wales is the first and only State to have reopened its poker machines post COVID. Why are these pubs and clubs getting more concessions than other businesses at this time? We know that other small businesses are getting things such as payroll tax deferral and JobKeeper but pubs and clubs are also getting gaming tax deferral. They opened on 1 June.

So many people have lost their jobs and so many people are doing it tough financially. The Government should be considering the introduction of harm reduction—that is one measure—and, at the very least, making sure that every staff member and employee has been kept on in every club, pub and hotel that is benefitting from this gaming tax deferral. Surely that is the least that can be expected from that massive favour to the Government's mates in the clubs industry.

SCHOOL HAND SANITISER SUPPLIES

SCHOOL CLEANING CONTRACTORS

The Hon. COURTNEY HOUSSOS (13:27:18): In question time today the Opposition asked a series of questions about the provision of hand sanitiser in schools. I say from the outset that these are hazardous materials and there is an increased responsibility when the department is centrally distributing them. Members would know that last year the Opposition asked a large number of questions about the issue of asbestos in our public schools. When it comes to our schools we have to be especially careful about what is being provided. Hand sanitiser, hand washing and increased cleanliness are facts of life as we learn to live and coexist with COVID. But we have to be especially careful about the products that we are all using.

In question time today the Minister also answered a question about the additional resources that have been provided for cleaning in schools. She outlined that \$250 million has been provided. That is appropriate because there is an increased burden with the increased requirements around cleanliness. In this take-note debate I ask the Minister to reflect on what support is being provided for community preschools. Some steps have been taken to provide Start Strong funding and I note the fee free announcement. But there are hundreds of community preschools facing questions around their viability due to this increased burden. Our trained educators are not spending their time teaching our children; instead they are spending their time cleaning toys. That work has to be undertaken but the Government must recognise it is an increased burden and the need for increased support.

PUBLIC SECTOR JOBS

The Hon. MARK BUTTIGIEG (13:29:26): I quickly bell the cat on the Minister's response to the question about the "no forced redundancies" policy. He refused to answer when he was asked in a supplementary

question, "Would he guarantee that there would be no forced redundancies?" That goes to the credibility of this Government. It is now trading off jobs from the public sector into the infrastructure sector. [*Time expired.*]

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:29:50): First I acknowledge the contribution made by the Hon. Mark Latham in bringing to the attention of the House the impact of the COVID-19 pandemic on the economy of New South Wales. It follows a disastrous bushfire season—

The PRESIDENT: I call the Hon. John Graham to order for the first time.

The Hon. DAMIEN TUDEHOPE: It follows a disastrous three years of unprecedented drought in this State, during which lots of businesses found themselves in circumstances where their businesses were closed, where they had no income and where they had debt to service, and which has created circumstances where many of those businesses will not recover. He identified additionally the impact on the New South Wales economy, being the largest economy in Australia. The impact is always greater where there is a greater reliance on tourism, education and exports. The points that he makes about encouraging the manufacturing sector and encouraging the mining sector are all well made. It was all well made in circumstances where we had an opportunity of saying to those people without a job, "We want to give you an opportunity to get a job." We had an opportunity to allow the Government to put in place infrastructure and job creation projects and to say to those people, "We'll go without a pay rise so that you can have a job."

We turned up that opportunity. It struck me as lip service that those opposite say, "We value those people who are unemployed, those people who have lost their job and have to put meals on the table." They had the opportunity to walk away and say, "We'll support the Government to engage in job creation programs." I gave some specific details of job creation programs in relation to the activation precincts that we are embarking upon. We need to focus on creating jobs in Regional New South Wales. Those infrastructure projects were an opportunity to invest in and create new jobs. We had an opportunity yesterday to allow the Government to invest in those projects and to say to the people without a job, "We value you." Yesterday this House said no to that because members opposite acted at the dictates of their union masters.

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

Motion agreed to.

Written Answers to Supplementary Questions

COVID-19 TESTING AND SCHOOLS

In reply to **the Hon. WALT SECORD** (2 June 2020).

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

This information is not recorded by the Department of Education.

Documents

TABLING OF PAPERS

The Hon. COURTNEY HOUSSOS: By leave: I table two documents that I referred to in questions and the debate to take note of answers this day regarding the warnings that were provided on the hand sanitiser.

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

Private Members' Statements

RACISM

The Hon. PENNY SHARPE (15:01:19): This week Australians have looked on in horror at the murder of George Floyd by police in Minneapolis in the United States. As the outrage at that act ignited a wave of protests across the United States, many Australians have denounced racism and stood in solidarity with movements such as Black Lives Matter. This is, of course, a good thing. But today is the end of Reconciliation Week and is also Mabo Day. Today is also a week after Sorry Day. Today I call on all Australians to join First Nations people as they seek support to end deaths in custody of Aboriginal people in Australia. Since the Royal Commission into Aboriginal Deaths in Custody, 432 Aboriginal people have died in custody across Australia. That is a shameful number, which should be pause for reflection for us all.

We cannot pretend that the over-representation of Aboriginal people in our justice system, the appalling health statistics or the numbers of young people in care do not matter. Let us remember that 40 per cent of kids in

care are Aboriginal, although they make up only 5 per cent of our population. We cannot pretend that somehow racism or structural injustice are things that we worry about overseas and not here. I also make a very brief comment on the investigation into the incident that happened with the young man in Surry Hills this week. I have a 15-year-old son. I do not have to worry too much, as he walks around the streets and as he walks home from the football ground, that he is going to have difficulties with police or that he is going to run into trouble. That is not the case for some of his friends. That is not the case for some of my family members.

These matters are very serious. It is time for us to listen closely to the voices of Aboriginal people who have spoken out so strongly and so bravely over a long time, but particularly this week, and to hear the concerns that they have. I am very pleased that the police are holding an investigation into this incident. I do not believe anybody can feel comfortable at seeing a young man thrown on the ground and crying out in pain when he was obviously not trying to evade police. This is a matter that I think deserves proper investigation. These matters are serious. Australia has come a long way in the way that we have treated First Nations people but still have so far to go. I cannot let this week pass without saying in this place that I will do what I can to try to address the injustices. I will spend more time listening to First Nations people on what they think we need to do. Most importantly, I want to push the Government and all of us to try to address the gaps and the disadvantage, and to find justice and a system that works for all people.

DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

The Hon. MARK LATHAM (15:04:38): With New South Wales facing a deep and destructive recession, one would expect the Department of Planning, Industry and Environment to be working overtime to approve job-creating development. Instead, in a bizarre act of public sector management under this Government, it appears to be relying on a sexuality-led recovery. In November the departmental head, Jim Betts, wrote to his staff from what he described as a "happy, sunny and hot Friday in Wagga Wagga" to announce the creation of an LGBTQI staff network—an initiative, Betts said, of the department's rainbow connection network. We found out yesterday the department also has a harmony council and is seeking to recruit a \$164,000 manager of diversity and inclusion strategy to work with Diversity Council Australia and the department's own Aboriginal people, culture and capability development team.

The diversity council runs the WordsAtWork program, which is trying to outlaw supposedly scary, offensive words in the workplace like "male" and "female", "boys" and "girls" and "girls" and David Morrison's main target, the dreaded "guys". I know the shadow Treasurer is terrified of those words. "Guys" is to be outlawed under WordsAtWork. The people of New South Wales—the taxpayers who fund the staffing bills—expect the Department of Planning, Industry and Environment to work on job-creation plans and approvals and not to be distracted by matters of race and sexuality. Let us judge people on their work ethic and their character, not on how they look or who they sleep with. No serious peer-reviewed academic study in the world has found that diversity lifts workplace productivity and output. The myth was invented by McKinsey & Company to make money, and it has been adopted by the New South Wales Public Service Commission and the likes of Jim Betts as an unacceptable distraction from their real jobs.

Tragically, under this Government the New South Wales public service is not match ready. It is not fit and ready to create jobs and deal with the deep recession in New South Wales. It hopes for a race- and sexuality-led recovery inside the bureaucracy when, plainly, no such thing exists. How many of these wasteful outfits do we need in one department? There is a harmony council, a rainbow connection network, an LGBTI staff unit, the Aboriginal people and culture team and, worst of all, the WordsAtWork absurdity. If only Jim Betts could set up—here's a novel idea—a development and job-creation unit in the Department of Planning, Industry and Environment to do something useful in New South Wales to attack the social and economic disaster of mass unemployment. Recently the Premier said that she was after staff cuts in the public service. She needs to start with Jim Betts and his motley crew of personal identity obsessives. That in itself would be a massive boost to the New South Wales economy.

GREAT WESTERN HIGHWAY

The Hon. SHAYNE MALLARD (15:07:24): The New South Wales Liberal-Nationals Government is investing \$2.5 billion towards upgrading the Great Western Highway between Katoomba and Lithgow. The long-anticipated program will provide safer, more efficient and more reliable journeys, and better connect communities with the Central West. It will pave the way for greater investment in the region and more much-needed local jobs. It will strengthen local transport connectivity and reinforce the Blue Mountains as a domestic and international tourist destination. The upgrade is vital to ensure that journeys in, around and through the Blue Mountains are safer, less congested and more reliable. The input and local knowledge of the community is the best way to ensure that the upgrade delivers the best outcomes for those who live in the Blue Mountains. Improving the safety of all road users is the prime priority for the project.

I am a local myself, like the responsible Minister, Paul Toole, who travels along the highway to his electorate regularly. We witness serious traffic accidents week after week. Right now a Ford station wagon wreck lies in the gully beside the single-lane highway on a notorious stretch between Medlow Bath and Katoomba. A few months ago on the same stretch another car rolled off the highway, and nearly a year ago to the day a fuel tanker crashed and rolled off the same section of the highway. Not upgrading this missing link of this major State highway would be negligent of the New South Wales Government. Doing nothing is not an option for this Government. Bandaid fixes are no longer viable nor responsible. The upgrade to four lanes of the Great Western Highway east of Katoomba, which was completed over the past three decades, has greatly improved road safety, with fatalities reduced by 77 per cent.

The highway upgrade is being developed alongside long-term rail options. The rail line itself traverses the ridge line parallel to the Great Western Highway and is highly constrained by residential townships and environmental factors—just like the highway. There is no substitute for upgrading the Great Western Highway, as we need both road and rail to meet future demand, ease congestion and increase safety. In 2019 Transport for NSW held the first round of community consultation on the proposed upgrade program. During the consultation period, 1,759 responses were received from the community and 12 community information sessions were held, which were attended by 1,045 people, including myself on some occasions. The first section of the Great Western Highway Upgrade Program to begin construction will be in Medlow Bath.

I have met with the Medlow Bath community to hear their serious safety concerns. The widening of the highway to four lanes with safer turning lanes where required will be a huge safety upgrade for the route. Transport for NSW is currently advertising for a specialist design firm that will work with the project team and the Medlow Bath community to prepare a design and undertake an environmental assessment for the upgrade. This will include online consultation sessions for stakeholders and the community to see the plans and provide feedback and comment as the design is developed. This is an opportunity for the Medlow Bath community to talk with the project team and designers about how we can get the best outcome for the local community and achieve road safety. I encourage everyone in the community to have their say.

DOWN SYNDROME

The Hon. GREG DONNELLY (15:10:15): Honourable members will be aware that I have spoken in the House on previous occasions about the discrimination that faces the unborn who have been diagnosed with, or who may have, Down syndrome. The best evidence we have is that in Australia today over 90 per cent of fetuses that are diagnosed as having or that may have Down syndrome are terminated. The cold, hard brutality of what I have described has been highlighted in evidence before the current Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Specifically, I draw to the attention of the House evidence given by Ms Toni Mitchell on 19 February 2020. The following exchange is taken directly from the hearing transcript and is between Toni Mitchell and Ms Kate Eastman, SC, counsel assisting the commission. It reads:

MS MITCHELL: Yes. So she had told us that I was having a boy, sort of quietly, and then she was looking at some more picture and we were just talking and looking at the pictures, and then she just got up and ran from the room.

MS EASTMAN: What do you mean, "ran"? She literally got up and ran?

MS MITCHELL: She ran, ran out of the room. She didn't even say anything to us. She just got up and ran out of the room, and I was hanging onto my cross and I started to cry. I said to Mum, "That's not good", and then all of a sudden, all these people just walked in. No one asked my permission. No one said, "This is what we're going to do". They just all filled the room and all crowded all around us and everything. ... but then he said, "Your baby has a heart condition. We can see that there's no walls inside his heart, and so you're probably going to miscarry within the next couple of weeks". He said, "We also look for soft markers. There's 10 soft markers that we look for at this point, and we can identify that your son has six, and based on this, it's highly likely your son has Down syndrome". ... and then he finally turned around. He said, "So here's your appointment for a termination", gave me a piece of paper and walked out.

MS EASTMAN: But you also made a decision in that moment, didn't you?

MS MITCHELL: Yes.

MS EASTMAN: And you threw the piece of paper in the bin; is that right?

MS MITCHELL: I screwed that piece of paper up and I threw it in the bin.

In 2020 in New South Wales and elsewhere in Australia women and the unborn are being exposed to brutal and painful experiences just like Ms Toni Mitchell was. It is totally unacceptable and it must be stopped right now.

AUSGRID PRIVATISATION

Reverend the Hon. FRED NILE (15:13:04): A pillar of the Christian Democratic Party is to champion the interests of honest and hardworking Australians who make up the bedrock of our economy. Every worker has a family who doubtless relies on that worker's employment to support the household. Accordingly, all legislation that touches upon industry or infrastructure reform, or touches upon employment issues, goes through the test of

Christian fairness and equity. A constituent recently informed me that Ausgrid would lay off a number of workers: 200 in December 2019 and another 500 in 2020. When the Government decided to sell off the electricity network assets, specifically the infamous poles and wires that were the subject of a considerable amount of debate, the Christian Democratic Party was successful in securing employment guarantee amendments to the relevant legislation. I recall saying in the House on 2 June 2015:

I intend to move strong employment protection guarantees in a series of amendments, such as: to protect for at least five years continued employment with the new employer ...

Schedule 4 to the Electricity Networks Assets (Authorised Transactions) Bill 2015, which passed with our amendments, states:

For the purposes of this Schedule, there is a 5-year *employment guarantee period* starting on 1 July 2015 and ending on 30 June 2020.

The schedule further states:

AER Final Determination for an electricity network SOC means the determination of the AER for the electricity network SOC published on 30 April 2015.

continuing employee means:

- (a) an employee of an electricity network SOC, or
- (b) an employee whose employment is transferred under this Act.

employment guarantee period means the period of 5 years starting on 1 July 2015 and ending on 30 June 2020.

After receiving the disturbing news of the planned sackings from my constituent, I asked a question of the Government on 14 November 2019:

1. Is it true that 200 workers are going to be made redundant this year from Ausgrid, followed by another 500 next year?
2. What action is the government taking to assist these sacked workers?

The Minister provided the following reply:

When the lease of Ausgrid took place in December 2016, employees became private sector employees in the Federal jurisdiction and transferred to employment with the new operator.

The legislation under which Ausgrid was transacted, the Electricity Network Assets (Authorised Transactions) Act 2015 (NSW), sets out the requirements for Ausgrid to maintain a minimum number of full-time equivalent employees up to 30 June 2020.

Ausgrid employees have the protection of their agreement, Ausgrid Enterprise Agreement 2018, which includes terms covering redundancy, redeployment and salary maintenance.

Employment issues are a matter for Ausgrid.

We are used to the part-answers or non-answers that are sometimes provided by the Government to questions such as these. However, the answer provided by the Minister is woefully inadequate. The legislation that was passed with our amendment was very clear. The workers of New South Wales deserve a more detailed, forthright and honest explanation. I hope that explanation will be forthcoming. [*Time expired.*]

THANK A FIRST RESPONDER DAY

The Hon. TAYLOR MARTIN (15:16:18): There are hundreds of thousands of first responders in Australia—our paramedics, police officers, Rural Fire Service members, Fire and Rescue personnel, volunteer SES members, lifesavers and lifeguards, amongst others—who are there for us whenever we need them. While most of us look for safety when endangered, these are the people who run towards danger to help us. For much of summer, Australians watched in awe as, day after day, brave, exhausted firefighters fought hard to save lives, homes, businesses and the environment from the devastation that was being wreaked across huge areas of our State. We mourned the deaths of Rural Fire Service members Geoffrey Keaton, Andrew O'Dwyer and Samuel McPaul, as well as Coulson Aviation flight crew members Ian Macbeth, Paul Hudson and Rick DeMorgan Jr, who perished while fighting the fires.

In February, we again watched as an army of SES volunteers were deployed to assist those impacted by heavy rain and floods that hit Sydney, the Central Coast and Newcastle, amongst other regions. Over two days the SES received 1,393 calls for assistance relating to trees down, flooding and leaking roofs. In March and April our concern peaked when we held our breath while COVID-19 started spreading throughout the community. We saw overseas frontline health workers exposed to the coronavirus in terrifying numbers. Thankfully in Australia we were able to limit the threat to our health by ensuring physical distancing and following the health advice. However, that does not diminish the courage displayed by first responders and other health workers in assisting the community in the face of this new threat.

In recognition of our first responders, yesterday we marked the first Thank a First Responder Day. We have always valued the work done by our first responders, but following the unprecedented summer bushfires, the floods in February and the current COVID-19 pandemic our appreciation has reached new heights. Thank a First Responder Day has created a platform that allows the community to be able to express appreciation easily, and for first responders and their families to be able to read the messages of appreciation that come their way. It is the creation of Fortem Australia, a not-for-profit organisation that works to improve the mental health and wellbeing of Australia's law enforcement, national security and first responder communities. I am sure that Thank a First Responder Day will become a permanent day on our calendar to remind us of the hard work and sacrifice that many on the front line make. I look forward to marking the day each year.

FILM INDUSTRY

The Hon. WALT SECORD (15:18:58): As the shadow Minister for the arts I wish to propose a plan to support jobs in the New South Wales film industry. Members will be aware that, putting aside the *Ruby Princess* and Newmarch fiascos, New South Wales had a mercifully low COVID death rate compared to North America, Europe and Asia. Australians saved the lives of people we will never know because we did the right thing through social distancing. To do this Australians in sectors like the entertainment and arts industry bore one of the hardest brunts of economic loss to protect the wellbeing of others. But we must acknowledge that these workers did this at a personal cost. They were the first to close and will likely be the last to return to work.

Around the world, film and television industries ground to a halt. On 22 March in New Zealand and Australia cinemas closed and our entertainment and venues sector experienced a 90 per cent drop in revenue. By early April in Australia 119 films and TV shows had been suspended, including all TV drama series, two big Marvel movies and Baz Luhrmann's Elvis biopic starring Tom Hanks. But Australians are adapters. In late April *Neighbours*, filmed in Melbourne, was one of the first TV drama productions in the English-speaking world to resume, with social distancing. Other programs like ABC's comedy program *Shaun Micallef's MAD AS HELL* continued but without a studio audience. These productions show that it is possible to continue in a COVID environment. But generally internationally recognised and established creators found themselves with no work at all, with major impacts on New South Wales businesses, which brings me to the proposal.

Due to our position as a now relatively safe destination, I would like to see the New South Wales Government, through Screen NSW, develop a program to target international productions including those of American and European film companies to consider New South Wales as a destination, subject to strict quarantine. New South Wales has world-class actors, crews, technicians and support services for film. Compared to other currencies, our dollar right now makes filmmaking here even more attractive. We also have a low COVID infection rate, which makes us attractive to international companies, and a stable political and civil climate. Our low COVID infection rate has given us a competitive advantage. In addition, we have co-production treaties with a range of countries including Canada, China, Germany, Ireland, Israel, Italy, Korea, Singapore and the United Kingdom. We also have memorandums of understanding with France and New Zealand, so there are many opportunities.

The filming of *Children of the Corn*, an international feature, in Richmond, New South Wales, shows that interest in New South Wales from major productions is there, even during COVID. Just imagine what is possible in a post-COVID environment, based on medical advice. I urge the Berejiklian Government, which has done so little for the arts sector in this crisis, to make international filmmaking in New South Wales—subject to strict quarantine—a priority as part of its post-COVID recovery economic plan. It is the least we can do and is a great growth opportunity for New South Wales. I thank the House for its consideration.

ZOONOTIC DISEASES

The Hon. MARK PEARSON (15:21:48): For some months now we have been living with the consequences of COVID-19. Worldwide more than six million people have sickened and 370,000 have died but Australia so far has avoided the worst of the pandemic. There is so much uncertainty about COVID-19 but what is certain is that it is a zoonotic disease. Zoonoses are diseases which can be transmitted to humans from animals and as such are often contracted as a result of our species' predilection for animal exploitation and consumption. Our common cold derives from camels, while swine and bird flu migrated to humans from their eponymous domestic animal sources.

Many coronaviruses have successfully crossed the human-animal barrier. Along with MERS, SARS and the new coronavirus COVID-19, we are seeing an increase in zoonoses in both developing and developed countries. There are a number of likely reasons including the ongoing clearing of animal habitat for agriculture, intensive animal agriculture and urban development, the density of urban living, the ease of international travel and the trade in wild animals. Worldwide the wild animal trade is worth \$60 billion per year and growing. There are more than 20,000 wild animal farms in China breeding exotic animals for traditional medicine, food and

export. In South Africa, 33 native species have been reclassified as farm livestock, allowing the establishment of eponymous "predator farms" of lions and cheetahs and the breeding and selling of these animals as food and medicine. The flesh of butchered wild animals in Africa is known as bushmeat. HIV and Ebola have their origins in the human consumption of monkeys and chimpanzees as bushmeat.

Australia also has its own bushmeat. We engage in the commercial slaughter of millions of kangaroos each year. Carcasses are eviscerated in the dust and heat of the outback, bodies strung up in unrefrigerated utilities, bouncing around for up to 12 hours until they are offloaded into chillers. Who knows what lurks in the congealed pools of blood and grime? First recorded in New South Wales and Queensland the 1990s, a debilitating mystery sickness has been striking mobs of kangaroos.

The cause is unknown. Should we be selling kangaroo bushmeat when we know so little about this disease? The World Health Organization, recognising the risk of new and emerging zoonoses, has established the One Health program, which brings together multiple sectors to achieve better public health outcomes and food safety, the control of zoonoses and combating antibiotic resistance. The Animal Justice Party believes the best public health strategy is to move to a plant-based diet.

TULLIBIGEAL SWIMMING POOL

The Hon. SAM FARRAWAY (15:24:55): As a regional member of Parliament, I get the opportunity to visit smaller communities across New South Wales that many people in our great State have never heard of. Tullibigeal, or Tulli as it is locally known, may fall into that category for many of you. With a population a bit over 300, Tullibigeal may seem small, but it has a strong community of people doing their best to ensure that it is a great place to live for young people and the young at heart. Recently I went to Tulli and met with Holly Ireland from the local swimming pool committee to congratulate her on the committee's successful application to the New South Wales Government's Stronger Country Communities Fund round three.

The Tulli swimming pool is the heart of their community, a great area for locals to meet and escape from what can often be a long and hot summer in that region. The Tulli pool has received \$60,000 from the Stronger Country Communities Fund to revamp the pool and grounds and to improve its safety, comfort and usability for locals and visitors alike. There will also be improved accessibility for elderly people and those living with a disability for water exercise and therapy, upgraded shade and barbeque facilities and new tiles for the pool.

To quote Holly on the day of the announcement, "It's great and is going to be great for the community." In the Stronger Country Communities Fund round three, 50 per cent of projects were to be focused on youth-based projects, and projects just like the vision this community has for the Tulli pool not only provide opportunities for the local youth but also benefit the broader community. It was heartening to see what this community has planned for the money and how far \$60,000 will go to improving this vital piece of local infrastructure for the next summer season. Holly and the Tulli pool committee have a real passion for their community and it is clear that their vision is about more than just simply a swimming pool. Congratulations again to Holly, the committee and all involved in getting this project off the ground. I cannot wait to visit next season when the pool reopens and see the first splash in the new-look Tulli pool.

PUBLIC SECTOR

The Hon. PETER PRIMROSE (15:27:10): Recently the Governor of the Reserve Bank, Philip Lowe, stated that our economic recovery was dependent on confidence. This means increasing consumer confidence to spend again and business confidence to invest again, along with the attendant impacts that both of those factors have on economic growth. It also requires governments displaying confidence in our public service, in our private sector and most importantly in our community. But reverting to tired old political doctrines, the current New South Wales Liberal-Nationals Government in this State has instead very publicly displayed its lack of confidence in the public sector.

Our public service has recently faced seemingly overwhelming issues after having suffered years of ideologically driven cuts and under resourcing, yet has demonstrated that despite these hardships public sector workers will continue to perform their roles to the highest of standards. In saying this, I would especially like to recognise the nurses and other health professionals who staff the roadside COVID-19 testing clinics dressed in scrubs, which are thin cotton garments, with face shields, gloves and disposable plastic aprons. With the recent spate of cold weather, I wondered whether or not these nurses and other health professionals managed to keep warm with the recent cold snaps, seasonal changes and rain making their roadside workplaces even more perilous. As it turns out, the answer is no.

I have now been advised that in many locations there has been no provision or planning made for roadside nurses to be provided with warm clothing, nor with protection from the rain. There has been no planning to ensure the health and safety for frozen nurses on the front lines. Instead, these nurses and other health workers on the

roadside clinics have continued their vital work in thin cotton garments, more suitable for a summer in Sydney, as the temperature plummeted and the rain fell. This is our public sector at work. That is why they deserve our confidence. That is why they do not deserve to have their pay cut by this Government. But what the New South Wales Liberals and The Nationals offer these dedicated health workers is a pay cut. The New South Wales Government should jettison its outdated ideological obsessions and instead show confidence in our public service, because frozen nurses most certainly do not deserve the pay cut that comes from frozen wages.

MINING INDUSTRY

The Hon. ROD ROBERTS (15:30:00): First I would like to acknowledge intern James Brown, who has been working in my office for his input in relation to the preparation of this contribution. This current crisis that has wreaked so much havoc and suffering across the globe is hopefully for us a once-in-a-lifetime experience. The spread of the virus to our part of the world has inflicted immeasurable human and economic pain upon the people of New South Wales. I find comfort and hope, however, in the fact that compared to many other countries across the globe we are in a much better position. One of the reasons behind our current position is the resilience of the key sectors of the economy of New South Wales to the effects in a time of global pandemic. These key industries, even as the effects of the virus reached their peak, carried on working and in doing so kept New South Wales on life support and able to ride out the worst of the virus while other areas of our economy went into hibernation.

By "key industries" I am talking specifically about mining, agriculture and construction. I would like to shine the spotlight on these key sectors and recognise the fact that these industries are the backbone of our economy and as such it will be these sectors that will bear the lion's share of the work to resuscitate the economy and get New South Wales back on track. A major factor behind the sustained growth of our economy in recent times has been the existence of a strong mining sector. The extraction of coal, copper, zinc and more recently rare earth minerals has made mining a large employer, particularly in our regions. The industry employs 40,000 people directly, not to mention the people working in the thousands of small businesses that service the mining industry. [*Time expired.*]

Documents

PUBLIC SECTOR WAGES

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 511 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (15:32:45): 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 June 2019 in the possession, custody or control of the Premier, Department of Premier and Cabinet, the Treasurer, the Treasurer or the Minister for Finance and Small Business:

- (a) any economic modelling on the impact of changes to public sector wages; 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.

The Hon. Damien Tudehope: Point of order: I thank the honourable member for his instruction and good humour. I wish to take a point of order in relation to private members' business item No. 511 outside the order of precedence on the *Notice Paper* for today moved by the Hon. Daniel Mookhey seeking the production of various papers in relation to economic modelling on public sector wages. The motion concerns current proceedings before the Industrial Relations Commission. I am advised that the production of the material sought in the motion could compromise those proceedings. This also raises the question as to whether this motion should be moved under Standing Order 53. In particular, these proceedings would constitute the administration of justice for the purposes of Standing Order 53. This is consistent with the approach taken by the former Crown Solicitor concerning police Strike Force Emblems, of which this House would be aware.

I note the Crown Solicitor's 2014 advice, which was tabled in this House on 4 December 2014, concluded that criminal investigations relating to identifiable, including reasonably contemplated, proceedings would be related to the administration of justice and should therefore be sought under Standing Order 53. It follows that documents relating to proceedings in the Industrial Relations Commission would relate to the administration of justice and should be sought under Standing Order 53. I note that the recent publication of the *Annotated Standing Orders of the New South Wales Legislation Council* states:

The distinction between the operation of SO 52 and SO 53 is that SO 52 applies to matters that fall within the purview of the Executive Government, whereas SO 53 reflects the separation of powers and applies to matters that fall within the purview of the Crown and the Courts.

Similarly, in 2014 the former Crown Solicitor said in his advice:

Indeed, although in NSW there is no express separation of judicial and legislative functions under the *Constitution Act 1902*, the fact that there are limitations on the Parliament's right to interfere with judicial proceedings is accepted as constitutional convention.

That is a quote from Lovelock and Evans *New South Wales Legislative Council Practice*, 2008, at page 579. The Crown Solicitor further states:

To my mind, this history and constitutional convention provides a coherent basis for the inclusion of matters concerning the "administration of justice" in the terms of Standing Order 53, and it should inform the interpretation of those terms.

I do not criticise the member for moving the motion because he did so prior to the disallowance motion that was passed in this House. It was later in the afternoon that I advised the House that the Government was taking the issue to the Industrial Relations Commission. It is on that basis that the motion as currently drafted is out of order and should have been moved under Standing Order 53.

The Hon. DANIEL MOOKHEY: To the point of order: Firstly, I appreciate the extensive list of reasons given by the Leader of the Government in his point of order. It allows us to make some more meaningful submissions. Mr President, I wish to provide two submissions. The first is how you might want to proceed in ruling on this matter. If you are amenable to reserving your ruling to seek legal advice, the Opposition would have no objections because complicated matters have been raised.

The PRESIDENT: I indicate at the outset that I intend to reserve my ruling. I was intending to make a ruling after dinner. I am happy to receive any written submissions before then.

The Hon. DANIEL MOOKHEY: If you intend to make a ruling after dinner then it might not be possible for us to make written submissions. Subject to the leave of the House, other members who are not in the Chamber may wish to make submissions. If the Government is amenable, we may be able to set aside some time for that to take place before you make your decision. In the meantime, I will make some preliminary comments on the matters that were raised. Earlier this year a ruling was made in your name by the Deputy President on a very similar call for papers about the appropriate use of Standing Order 52 versus Standing Order 53 and whether these matters should be pursued under the administration of justice provisions that Standing Order 53 provides. That requires the President to make a decision as to what precisely is the administration of justice and how it is relevant. I suggest you may have two things drawn to your attention before you make your ruling. In your ruling then, you said:

At its essence, the distinction between the application of Standing Order 53 and Standing Order 52 is that Standing Order 53 applies to matters that fall within the purview of the Crown and the courts, notably the administration of justice, whereas Standing Order 52 applies to matters that fall within the purview of the Executive Government.

I submit very strongly that the category of documents that we seek falls within the purview of Executive Government. Firstly, that they were produced by Treasury; and, secondly, they were not produced by Treasury in the context of any matter that was before a court and their predominant purpose, therefore, was to assist the Government in its executive function, not in its administrative function. You will be required to make a decision about the primary purpose of these documents and whether they fall within each of the two categories. I submit that the circumstances that gave rise to these documents concerned Executive Government.

The PRESIDENT: The Leader of the Government has made a very persuasive argument and the Hon. Daniel Mookhey has made a very persuasive counter argument. Remembering that I am in your hands, if members are agreeable, I am prepared to consider adjourning this matter to 16 June, which is the next day private members' business will take place, on the basis that it will allow members to make written submissions by Monday 15 June, if they wish to do so. I will make my ruling on Tuesday 16 June, prior to the matter being dealt with in private members' business. Otherwise, I am prepared to hear from you now and I will make a ruling after dinner. It is clear that this involves complex matters. We are now talking about paramount consideration and paramount tests. I do not want to stop any member from making a submission. It is clear that the Hon. Mark Latham wants to make a submission as well, but I will allow the Hon. Daniel Mookhey to finish.

The Hon. DANIEL MOOKHEY: Mr President, I do not want to turn the format of this interaction into a courtroom and that we all give you our views as a judge. I will address the proposition you have presented and address that at the end of my comments. Mr President, I first ask you to consider whether the predominant purpose of the documents is that they were created to fulfil the executive function of the Government. Secondly, the Minister in his submission raised an interesting question as to whether the purpose of a document can change if a court process commences. The Minister did not identify what is the judicial matter that he is alleging this will interfere with. He has also not said whether the Government has initiated any proceedings in the Industrial

Relations Commission. He said that when I moved the motion it did not raise concerns about the administration of justice but now it does because court proceedings have commenced. However, he has neither identified the court proceedings nor when they commenced. That does have some bearing on the point you have raised, which is whether this matter can be deferred to 16 June.

The other point I submit is that it is also incumbent upon the Government to identify and state to the House that these documents would be part of those submissions—that is, the Government would submit these papers to a court. They cannot be tangentially related to a court matter; they have to be in direct evidence before a tribunal or intended to be in direct evidence before a tribunal. It is not the case that just because the documents are related to the subject matter of a court proceeding that they become strictly relevant. In addition to the specifics of the intricacies of this particular motion, in these circumstances the default convention is that the President rules to maintain the powers of the House as they are currently understood. The model that we seek is not particularly controversial. Often it does arise that we seek modelling that has been presented or prepared by departments.

I note that the Leader of the Government did not say that these documents will be Cabinet-in-confidence. He did not make the point that the documents were somehow related to the prerogatives of the Cabinet. It is often the case that we seek this type of modelling, which is a commonly understood assumption of this House. In such circumstances, previous Presidents have ruled that they should preserve the status quo understanding. I submit that the status quo understanding is that this form of modelling has always been understood by this House to be part of the executive function; not the administrative function, unless the Government can prove otherwise that there is a direct correlation with a specific court matter before a tribunal that needs to be resolved. They are my preliminary submissions.

If you embark upon a process that allows written submissions then we may make further submissions. I now turn to the question raised by you, Mr President, whether this ruling can be reserved until 16 June. Should you decide on that course of action, it is possible that in the interregnum period the Government will initiate the court proceedings and therefore effectively vitiate the ability of this House to have discharged its function. You will have to decide another question and that is whether the tests you have to apply should be applied at the time at which the motion is moved or at a time the House decides. There is a distinction to be drawn. I point out that if you intend to follow that course of action, the substantive effect is that the Executive Government will have an incentive to initiate those court procedures to avoid having to produce those documents to the House, which defeats the purpose. This is a very complicated subject matter, but I am not necessarily convinced that the luxury of extending the ruling until 16 June is open to you if the result is that the Government will bring about the events that it has flagged, particularly now that it realises that it should have initiated the court proceedings before the Minister took his point of order.

The Hon. Mark Latham: To the point of order: If I can briefly act as a junior to the Hon. Daniel Mookhey, I point out that in the substance of the material under debate, the stakes are high. We are talking about economic modelling and the impact of changes to wages for the biggest employer in Australia at a time of deep economic recession. I submit that public knowledge of that material and its impact on the economy would be of use to the Industrial Relations Commission [IRC] in the determination that it might make of whether there is a higher or lower level of expected impact on economic growth and employment.

I also submit that it is not just the Industrial Relations Commission that would benefit from public disclosure of this all-important economic modelling. There is also the recognition that it is a very fluid situation. There is some speculation that it is possible the Government could come back with a plan B on its wage freeze policy and this Chamber would again consider all the various issues. I can certainly say, as a crossbencher, that I would be influenced by the content of the economic modelling. Is there a lower or higher expected economic impact from the Government policy on the New South Wales economy? For the benefit of this House, I would have thought a full public disclosure of the information is very much in the public interest and in the commission's interest to have access to this material, in addition to the legal arguments that have been made by my learned colleague.

The Hon. Damien Tudehope: Further to the point of order: I welcome the submission made by the Hon. Daniel Mookhey. The first point he makes is that in the submission of the Government we have not actually identified the parties to the proceedings and the date on which they were commenced. In fact, the substance of his final submission to you was that you would be persuaded, potentially, not to adjourn it to the date that you had on the basis that we might now just commence it. That would be a significant act of bad faith that the Government was persuaded to commence proceedings on the basis that that would be used, then, as a vehicle to prevent documentation being produced to this House. I advised the House yesterday by reading onto the record a press release of the Treasurer indicating that the Government was proposing to enter into those court proceedings.

I accept that the Hon. Daniel Mookhey may be at a disadvantage in that the submission that I have made potentially lacks the detail which he can deal with for the purposes of identifying properly the basis on which it is

properly said to be subject to the administration of justice. That, I submit to you, is the very reason you would reserve for the purposes of allowing written submissions which would address all those points and the extent to which the production of these documents may, in fact, impinge on the administration of justice. I accept the very lucid manner in which the member has argued that there are defects in the argument, but I submit that there is at least an arguable case that, in fact, this should have been under Standing Order 53. Being an arguable case, I suggest that because that is the case, you would reserve for the purposes of allowing that material to be provided to you.

The PRESIDENT: I indicate to members that I am going to stop the clock because we have not started debate on the motion. If I do not do so, by the time we finish arguing the point of order we will be out of time to debate the motion. If the motion is to proceed, the clock will start again.

The Hon. DANIEL MOOKHEY: Further to the point of order: I will provide some more points of substance before I deal with the matter raised by the Leader of the Government just then. I draw attention to the first point that has been drawn to my attention. The Minister's first contribution to the point of order argued that it was before a court. He cited the Industrial Relations Commission. I point out that the commission is not a court. In fact, that is a result of the change the Government itself made in the last Parliament. It puts further pressure on the Government's submission here to say that this is in relation to the administration of justice, because it is not a tribunal that is exercising a judicial function. We have changed the law to remove the judicial function from the Industrial Relations Commission, so it is not the case that it is direct interference. That is the first point. I am indebted to my colleague the Hon. Antony D'Adam for drawing that to my attention.

The second point I make is that in the ruling that you made earlier this year, you made some reference to some authorities that was in the Crown Solicitor's advice that was provided to the House on 9 April 2002 in which the question of administration of justice is considered. This is what was then said by the Crown Solicitor, which you quoted in your ruling—or, at least, the ruling that was made in your name:

The "narrow" view is that only a Paper which refers to identifiable curial proceedings is within it.

There is a crucial phrase there: curial proceedings—court proceedings, not proceedings of a commission or tribunal. The advice continued:

On that view, a Paper recording only police investigation ... will not "refer to" the administration of justice ... The broader view is that a Paper will be one having reference to the administration of justice ...

That is the broader view. I submit that these documents would not pass either of those tests. Unless the Minister is suggesting that the economic modelling produced for wages has anything to do with the administration of justice issue as explicitly identified in those documents, it would not fall within the purview of that. The documents themselves have to say that if the Government's view is to prevail. Either under the broader view or the narrow view, I submit that it fails the test.

The final point I want to make is that I just heard the Minister acknowledge that some defects in his argument have been pointed out and he has suggested, therefore, that that is a basis upon which you should reserve your ruling to allow fuller argument, perhaps, to be generous to the Government. I submit that if you were to follow that course of action, you would be delaying the ability of this House to discharge its function in a timely manner, which is for the reason the Hon. Mark Latham pointed out.

There is significant public interest in the matter. The function of this House requires to be discharged when it can so long as we are acting within the powers of the House. It has not been the course before that just because people would like more time to make submissions, that is an automatic reason for you to reserve your ruling. The Opposition would prefer that you do rule tonight, if possible, unless you feel that you require more support to reach a decision. But our view to have the matter voted on by the House is such that we would prefer to know whether it is in the House's power to proceed as soon as possible.

The PRESIDENT: I intend to try to have a ruling determined when we return after dinner. I will give it a real go, if I can use that expression. If I find it difficult and I am unable to do that, I will come back after dinner and adjourn the matter to 16 June. I still want to hear more argument from the Leader of the Government and the Hon. Daniel Mookhey on a couple of issues before I do so. We will see how we go. The issue of jurisdiction is important. I would like to hear further from the Leader of the Government on any further detail he has.

The Hon. Damien Tudehope: Further to the point of order: The Hon. Anthony D'Adam is now the Opposition's spokesperson on this issue and is using the Hon. Daniel Mookhey as his mouthpiece. He is suggesting that because it is a commission or tribunal it is not involved in the administration of justice. The IRC is a body which makes determinations between parties. The fact is that putting material before an independent body for it to make a determination constitutes the administration of justice between the parties. In those circumstances, calling it a commission or a tribunal does not necessarily take it outside the situation where one could say that it

does not fit into the category of administration of justice, because a determination will be made between the parties. I submit that the operative part of your consideration is to decide whether someone independent of government was required to make that determination.

In relation to the urgency of you making this determination—it has been put to you that it needs to be done now—if they are going to make that argument out they have to demonstrate prejudice. Where is the prejudice of waiting until 16 June to have these documents? I suggest to the Hon. Daniel Mookhey that there is no demonstrable prejudice by waiting until he receives written submissions about the ambit of Standing Order 53 and its crossover with Standing Order 52. My submission is that the Government has made a prima facie case that this fits within Standing Order 53. It would be prejudicial to the Government to have to produce documents that fit within the administration of justice if a party to the proceedings was provided with documents which influenced or were able to influence the outcome of that determination in a way that was prejudicial to the Government. In those circumstances we submit that constitutes a determination which would fit within that particular standing order. The two things I would urge upon you are, firstly, that we need additional time to put before you material as to whether this does in fact relate to the administration of justice and, secondly, where is the prejudice in the delay? Now the Hon. Daniel Mookhey is the mouthpiece for the Hon. Adam Searle.

The Hon. DANIEL MOOKHEY: Further to the point of order: I am sure the Leader of the Government will extend to me the same courtesy I extend to him in these matters. I have two points arising from the Leader of the Government's argument. The first is the assumption that just because a tribunal is reaching a determination between two parties that is in itself an administration of justice. It does not follow that a wage determination being undertaken by the Industrial Relations Commission is connected to justice. The very nature of wage determinations is that the onus is on the Government to demonstrate that the process relates to justice. Then it is important for it to reach the next standard, which is that justice is being undertaken effectively by a curial court, which the tribunal is not. The tribunal then has to discharge its onus as to whether or not this would interfere with its function. Those are the three steps it would have to go through.

The second point is that, on the matter of how you should proceed, the implication arising from the Leader of the Government's argument is that you effectively have to apply a balance of convenience test that would otherwise be applied in a court making the decision; the onus is on me as the mover of the motion to demonstrate that it would somehow be prejudicial for you to reserve. Firstly, there is no balance of convenience test that you are subject to. You can apply whatever discretion you wish to apply. You are not subject to anything like that. It is well within the auspices of your office to proceed however you see fit, subject to the House's consent. If Government members disagree with your ruling, it is open to them to move a dissent motion on your ruling and have the House overturn it. That is their function. You are not subject to any such test.

Secondly, even if you were to make history and decide at this point in time that you were subject to such a test, I submit that the onus is on the person taking the point of order to demonstrate that the procedure should be slowed down. I submit that the House is acting within the understanding of its powers. Through this motion we do not seek to deviate from the conventions that surround it. On multiple occasions this House has identified these types of documents and, incidentally, this has been done simultaneously with the Executive Government going through its decision-making functions. We are acting within the House's understanding of its powers. Therefore, I submit that your original course of action which you flagged, that it is your intent to make a decision tonight, is consistent with the House's responsibilities to undertake its functions and it is the course that we welcome.

The PRESIDENT: Does any other member wish to speak to the point of order?

The Hon. Anthony D'Adam: To the point of order: I will address the first point that the Leader of the Government in the House made around the status of the Industrial Relations Commission. How do we know that the commission is not a court? There is some irony in this, because there is High Court authority on it. The case that established the principle was actually the case that was taken by the New South Wales Government to uphold the validity of the regulation that the Government tried to rely on in yesterday's proceedings. The High Court had to determine whether the New South Wales Government's legislation to establish the wages policy in legislation interfered with the separation of powers between the operation of the judicial, Executive and legislative arms of government.

The High Court found that the tribunal was not a court: it did not exercise judicial functions. In fact, that has further been confirmed because the Government has chosen to separate the judicial functions that once resided with the Industrial Relations Commission. It is without question that the Industrial Relations Commission is not a court. Therefore, the argument around the separation of powers, which I think is the primary basis for the distinction between Standing Order 52 and Standing Order 53, does not apply in this case.

The PRESIDENT: Previously when a Government member said that I should rule immediately, I indicated the following:

I am under no obligation to rule on matters immediately, and it is absolutely appropriate that careful consideration be given to matters of this nature, particularly when a matter arises for the first time in the term of a President.

If I recall, that occurred as a result of an objection being taken to a badge, which I had to give a ruling on when I was first made President. I congratulate all members. In my time as President this has been one of the most brilliantly argued and detailed debates on a point of order. Many different issues have been raised, including the jurisdiction of the Industrial Relations Commission and whether it is a court and its powers et cetera. Many other aspects were also raised. I intend to reserve my ruling at least until we come back from dinner. If I am able to give careful consideration to what is required and make a determination, then I will give my ruling. If I need further submissions, I will come back and seek them and reserve my ruling until 16 June. I suggest that a member now seek to adjourn the debate until a later hour of the sitting. I suggest that it be reserved as the first matter to be dealt with after dinner.

The Hon. MARK BUTTIGIEG: I move:

That this debate be adjourned until a later hour of the sitting.

Motion agreed to.

The Hon. MARK BUTTIGIEG: I move:

That the resumption of the adjourned debate take precedence after the dinner adjournment until concluded.

Motion agreed to.

Motions

COVID-19 AND MENTAL HEALTH

The Hon. SAM FARRAWAY: I move:

That private members' business item No. 485 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. SAM FARRAWAY (16:06:04): I move:

- (1) That this House notes that:
 - (a) the Government, in collaboration with the Victorian Government, led and convened a meeting of Ministers responsible for mental health from the Commonwealth, and Australian States and Territories, to discuss the impact of and response to the COVID-19 pandemic;
 - (b) all Ministers agreed on the importance of supporting the mental health and wellbeing of Australians during the pandemic and developing a plan for the post-pandemic recovery phase;
 - (c) the Commonwealth agreed that the Government and Victorian Government will lead the development of a national pandemic mental health plan, working with Christine Morgan, National Suicide Prevention Advisor to the Prime Minister and CEO of the National Mental Health Commission;
 - (d) government mental health services have remained open during the pandemic; and
 - (e) the Government has increased mental health support by \$73 million, which includes:
 - (i) over 180 additional specialist, community-based mental health clinicians and peer support workers;
 - (ii) expanding the virtual mental health program to all local health districts;
 - (iii) free access to Tresillian's digital SleepWellBaby program;
 - (iv) capacity for 60,000 extra calls to the 1800 NSW Mental Health Line; and
 - (v) creation of pop-up mental health Safe Space sites, reducing pressure on emergency departments.
- (2) That this House:
 - (a) recognises and commends the work of all health, mental health and wellbeing workers during the pandemic;
 - (b) commends the Government for its bipartisan leadership at a national level on working with State and Territory governments;
 - (c) encourages anyone who needs support to use the available mental health and wellbeing services; and
 - (d) looks forward to the release of the national pandemic mental health plan.

When we celebrated this new decade I am sure that no-one in this Chamber could have foreseen how drastically our lives would change. A public health emergency like COVID-19 has not been experienced by the people of New South Wales before. It has been a period of extraordinary stress, disruption and isolation for everyone and strong public health interventions have been essential to save lives. The New South Wales Government's response to the pandemic should be commended, in particular the proactive steps targeted towards mental health. Our

Minister for Mental Health, Regional Youth and Women has shown true leadership when it comes to the State's response.

Minister Taylor has worked collaboratively with the Victorian Minister for Mental Health, Martin Foley, to convene regular meetings of Commonwealth, State and Territory Ministers. These bipartisan discussions allowed Ministers to share their responses and work together to ensure that we provide the best care and services for those who have had their mental health affected by this pandemic. Through these discussions it was decided that a national pandemic mental health plan would be created. The plan is a unified commitment of support to all Australians. I congratulate all parties on this approach. It is putting people before politics.

The plan outlines the mental health and wellbeing response to the pandemic and has three core objectives. The first is to reach people in community—that is, meet the mental health and wellbeing needs of all Australians to reduce the negative impacts of the pandemic in the short and long term. The second is to provide clear pathways of care: outline core principles and priority areas to inform jurisdictions as they respond to the challenges of COVID-19, including as restrictions ease, to balance national consistency with a community-based response and ensuring that any risks posed by relaxation of restrictions are assessed and responded to. The third is to monitor and predict—that is, define governance, coordination and implementation requirements including data collection and sharing across jurisdictions to facilitate informed planning and decision-making.

The New South Wales Government has always been committed to making sure that, regardless of where you live and regardless of your circumstances, you are going to have access to the supports you need so that your mental health wellbeing is the best it can be. The \$73 million package in response to the pandemic that complements the Commonwealth's investment through five key initiatives includes additional clinicians. New South Wales is employing over 180 more frontline workers: specialist, community-based mental health clinicians and peers support workers to address the changing needs of our community. These clinicians are based in every local health district across New South Wales. They support everyone in our community, particularly our most vulnerable—our elderly, our young people and those living with a disability.

We are rolling out mental health Safe Spaces, with pop-up mental health sites right across the State. We are building the capacity of our Mental Health Line. As part of the Government's package, it has expanded virtual mental health programs to all local health districts and increased the capacity of the New South Wales Mental Health Line. The increase in funding will mean an extra 60,000 calls will be answered. This line is staffed by specialist mental health clinicians who are able to provide immediate care and expert advice and where necessary they can refer callers to appropriate services. We are funding the Tresillian SleepWellBaby App, as the Minister outlined earlier today. We are boosting funding for Lifeline. In addition to our \$73 million mental health support package, \$6 million was also committed to Lifeline to ensure that it was well equipped to respond to the increasing needs of the community throughout the COVID-19 crisis. Importantly, this funding will flow to Lifeline branches across New South Wales, from the North Coast to Broken Hill.

It is important to note that throughout the pandemic New South Wales Government mental health services have remained open. I acknowledge all NSW Health and mental health staff who have worked tirelessly throughout the pandemic. Staff and volunteers from non-government mental health organisations have also done tremendous work in helping others when they need it. In New South Wales, mental health matters. Making sure that services are still accessible and available to everybody from their own home was and remains the priority of this Government. Again, I commend the Minister for her leadership, working with her Victorian counterpart on bringing together Commonwealth, State and Territory Ministers responsible for mental health to discuss the impact of and response to the COVID-19 pandemic. I thank all health, mental health and wellbeing workers who have worked tirelessly through the pandemic and continue to do so as we find our way back to normal. [*Time expired.*]

The Hon. TARA MORIARTY (16:11:25): On behalf of the Opposition, I indicate support for the motion acknowledging the collaboration between the Victorian Government, New South Wales and the Commonwealth recognising the importance of and need for more mental health support as a result of the COVID-19 related crisis. Any and all collaboration by governments at this time is important and expected. It is essential that our collective governments work together to put serious resources into supporting the mental health and wellbeing of the community during this crisis, and especially in its aftermath. The truth is, though, that there were not enough resources in mental health before this crisis. There will definitely need to be more provided during this immediate period and well into the future.

I note that New South Wales has announced some additional funding over the course of the crisis but that funding needs to be permanent, at the very least. Since the motion was moved, we have seen the detail of the proposed collaboration and plan for post-pandemic recovery. I welcome the additional funding for research so that we can have a better understanding of the effects of what has happened across our community. The Opposition recognises and thanks all health workers and all mental health and wellbeing support workers for their work

before, during and after this pandemic. We should all be grateful for the important work they do. We will stand with these workers to ensure that the resources needed to do their work are made available consistently and over the long term.

The National Mental Health and Wellbeing Pandemic Response Plan is welcome but it should be treated as a work in progress, not a final plan. The support people need going forward must be significant to ensure that no-one in New South Wales is left behind and support is available when and where it is needed. People are doing it tough. Those who have pre-existing mental health issues need support and, given that it has been predicted by a number of experts that many members of our community will develop issues as a result of this crisis, support must be substantial and available to help people before another crisis—a mental health crisis—develops.

Ms CATE FAEHRMANN (16:13:37): On behalf of The Greens, I speak in support of the motion. It is ironic, though, that during this International Year of the Nurse and the Midwife just yesterday the Government was trying to freeze the wages of nurses, including mental health nurses, who have been on the front line during this pandemic. Hospitals and rehabilitation centres, underfunded and over capacity before COVID-19, are going to see and already have seen an increase in the number of people being admitted with mental health issues as a result of this pandemic. About 3,000 people die of suicide in Australia each year. Modelling from the University of Sydney's Brain and Mind Centre predicts that this pandemic could lead to an additional 1,500 suicide-related deaths every year over the next five years, resulting in a generational mental health crisis. Calls have increased to Kids Helpline by 40 per cent compared with this time last year and Beyond Blue reports similar statistics.

In its Towards Zero Suicides Premier's Priority, a target has been set to reduce the rate of suicide deaths in New South Wales by 20 per cent by 2023. To meet this, the Government must ensure that additional support for the sector stays in place until genuine improvements are made. Professor Pat McGorry and other leading mental health experts are calling for a national suicide register, because statistics come in with a lag time of up to two years. The Greens support this call. Let us not forget that mental health services were drastically underfunded before this pandemic, something that the Opposition's spokesperson has indicated.

In an investigation piece for inquiry as part of the publication *Crikey*, journalist Amber Schultz wrote about the tragic case of David Harris, who died on in his kitchen in early 2019 in western Sydney. He was found months later, in July. He was diagnosed with paranoid schizophrenia at 20. He was 55 when he died, the same age as my brother, Richard, would have been this year; he also had paranoid schizophrenia and took his life at the age of 30, when I was 25. By the time David Harris died he had lost access to all but one of the services that had kept him in this world. Bounced from service to service whose programs were defunded, the amount of care and contact Harris had with the community was cut back at every step. Finally, Harris' NDIS funding was cut.

Australia's mental health support system is fractured and dysfunctional. Community workers are untrained and underpaid and they have little experience dealing with the complex needs of those living with mental illness. New South Wales Mental Health Review Tribunal member Rob Ramjan has said, "Without assertive carers and properly trained support workers there is a risk that cases like Harris' repeat themselves." The Greens welcome this motion. We welcome the release of the National Mental Health and Wellbeing Pandemic Response Plan, but we urge the Government to commit more funding to ongoing mental health services and properly trained support workers over the longer term.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:16:50): I thank the Hon. Sam Faraway for bringing forward this motion. It is great to have mental health being discussed in the Chamber. The COVID-19 pandemic is unprecedented for all Australians. It has been disruptive, there have been economic consequences and there has been an effect on our communities' physical and mental health. As the Minister for Mental Health, I know that our response to the crisis and recovery phases has been a priority. In April, alongside the Premier and the Treasurer, I announced the New South Wales Government's \$73 million package to boost mental health services to fit the evolving needs of our community. Our package includes 180 additional specialist community-based mental health clinicians and peer support workers. These are workers who will address the changing needs of our community. I know that there have been calls time and time again for greater investment in primary care and greater investment in community mental health teams, and that is exactly what we are doing.

We are expanding the virtual mental health program to every single local health district. This program will address the changing needs of our community. We have seen how well virtual mental health works in Orange and in Western New South Wales, and we are going to take that success across this State. We have provided free access to Tresillian's digital SleepWellBaby program, which I discussed earlier today in the House. It has been a phenomenal success and I am proud that we have been able to provide this service for new parents. It has far exceeded my expectations of take-up, so I could not be happier about that. We are also ensuring the capacity for 60,000 extra calls to the 1800 New South Wales Mental Health Line. We have heeded numerous calls for us to

increase the capacity of this line, and that is exactly what we are doing. If we can get the entry point into these services right through the Mental Health Line, we can make sure that people get to the places that they need to be.

We are creating pop-up mental health safe spaces to reduce the pressure on emergency departments. We know that many emergency departments are not appropriate places for people suffering from an acute episode of their mental health illness. In addition to the \$73 million mental health support package we have put \$6 million into Lifeline. Lifeline helps not only people on the phone: this additional funding will enable teams to go into communities in places where we feel people are at risk and work with those communities. This is a really positive thing. We have never experienced a public health emergency like COVID-19, and as part of responding I want to make sure that we complement the Commonwealth support that is available.

I acknowledge my Victorian counterpart, the Labor Minister for Mental Health, Martin Foley. I worked alongside the Minister to convene a meeting of State, Territory and Commonwealth ministers responsible for mental health. We put politics aside and we did what was right for our country and for mental health. I was very proud to work with Minister Foley; he is an outstanding human being. Our first meeting has led to our national mental health plan, which New South Wales and Victoria drove in partnership with the Commonwealth. These are great days for mental health. We have a long way to go, but we are sure on our way.

The Hon. BEN FRANKLIN (16:20:00): I speak in support of the Hon. Sam Faraway's motion addressing the mental health response to COVID-19. I know that we have said this a lot this year, but we cannot understate the toll that the recent events of droughts, bushfires, followed by flooding and now COVID-19 has taken on communities right across New South Wales and Australia. Although it may seem that we have moved from one crisis to the next, we cannot forget that for many people, particularly those in regional areas, they are living through them all at the same time. Some people still do not have a home because it was lost to fire. Some people are struggling to water their stock. Some people have lost their businesses due to their inability to replace waterlogged equipment. We know that right across the State people have lost their jobs and their certainty due to COVID-19.

The toll on people's mental health due to all of these factors is enormous. I thank Mr Faraway for bringing this motion before the House. In recognising these unprecedented and challenging times, the New South Wales Government, working with the Victorian Government, engaged in and led important bipartisan conversations with Commonwealth, State and Territory ministers to address and support mental health. I particularly acknowledge my colleague the Hon. Bronnie Taylor for her extraordinary work in this space—congratulations, Bronnie, and thank you on behalf of the State. We have increased mental health support by \$73 million and extended capacity right across New South Wales. This has included over 180 additional specialist community-based mental health clinicians and peer support workers. We have expanded virtual mental health programs and created pop-up mental health safe space sites. We have increased the capacity for 60,000 extra calls to the New South Wales Mental Health Line and we have given free access to Tresillian's digital SleepWellBaby program.

Mental health does not discriminate and it is so important that anyone who needs it is able to access the support quickly. I commend the bipartisan relationships the New South Wales Government has built with the Commonwealth, and with other State and Territory governments. I also applaud their efforts in working to create a national pandemic mental health plan with Christine Morgan, the National Suicide Prevention Adviser to the Prime Minister and CEO of the National Mental Health Commission. I look forward to the release of the plan and the benefits it will bring to people right across New South Wales, but especially in regional areas where services can often be harder to access.

I echo the statements of Mr Faraway and encourage anyone who might need someone to speak to, a shoulder to cry on or any form of support to please reach out and call the New South Wales Mental Health Line on 1800 011 511. I take my hat off to mental health and wellbeing workers during the pandemic and, indeed, during any time of need. It is important that the people of New South Wales know that if they do need help there is someone to turn to. Our mental health and wellbeing workers provide stability and security. I cannot thank them enough for being the voice on the other end of the phone that will mean more to some than they will ever know.

The Hon. SCOTT FARLOW (16:23:05): What a year so far 2020 has been and for all of the wrong reasons—unprecedented droughts, unprecedented bushfires and now an unprecedented pandemic wreaking havoc across our community. We have been spared the worst of the health consequences of this pandemic, but of course mental health is a continuing concern as is our economy, and the two feed into each other. This year our communities across New South Wales have had to face more than they have ever had to face before. Every single person in this State has been affected, every single person in New South Wales has been touched by COVID-19 and every single person has had to make changes to their lives. Some of those changes have been small—issues such as finding toilet paper or pasta at the shops, working from home or changing holiday plans—but for so many in our State these changes have been devastating, including people losing their jobs, worrying if they will keep

their home, worrying how they will put food on the table for their kids and the stresses of dealing with a new way of living. These include the stresses of having to homeschool children while working and the stresses of not being connected to friends.

I take the opportunity to congratulate the Hon. Bronnie Taylor, the Minister for Mental Health, and the New South Wales Government on their dedication to mental health during this very difficult times. As chair of the Parliamentary Friends of Mental Health, I was particularly happy to see this dedication shown in the attendance of many members and their staff at a meeting of our Parliamentary Friends of Mental Health earlier this year, from my understanding the first virtual meeting of the parliamentary friendship groups. This virtual meeting was held with the Centre for Rural and Remote Mental Health. I commend David Perkins and his team, who have done such a magnificent job for drought-affected communities and continue to work tirelessly for communities that are socially isolated across our State.

During this time the Federal Government announced the appointment of Ruth Vine to the role of Deputy Chief Medical Officer for Mental Health, which shows how committed all governments are to mental health support. The New South Wales Government increased its mental health support by more than \$73 million during the pandemic, including more than 180 additional clinicians and peer support workers. At a Flourish Australia launch many years ago I witnessed the importance of peer support workers and the work they do to help people on their path to recovery. They are able to share their experiences. I commend as well the Hon. Bronnie Taylor for her commitment to peer support workers in the mental health space.

The increased capacity of mental health support lines and the creation of pop-up mental health support sites have been extremely well received by communities that are doing it very tough throughout our State and Australia. These measures are making a real difference to people in these troubled times. The creation of a national pandemic mental health plan, led by the Hon. Bronnie Taylor in conjunction with the Victorian Government, will be a key aspect of our post-pandemic recovery. The COVID-19 pandemic is a worldwide event. We are all in this together, particularly when it comes to mental health support in our communities.

The Hon. SAM FARRAWAY (16:26:15): In reply: I acknowledge the contributions of the Hon. Tara Moriarty, Ms Cate Faehrmann, the Minister for Mental Health, Regional Youth and Women, the Hon. Ben Franklin and the Hon. Scott Farlow. It is good that everyone has come to their feet on this very important issue. We may not agree on everything, but one thing we can agree on is that a national pandemic mental health plan was urgently needed. It is great that our New South Wales Minister, along with her counterpart in Victoria, drove this agenda and that the plan will come to fruition.

To touch on a few points made by the Hon. Tara Moriarty about the post-pandemic funding that is definitely needed, we are getting somewhere in that space. Long-term solutions and supports will be required when things do return to normal. I note the contribution of my colleague the Hon. Ben Franklin on regional areas, which have dealt with drought, bushfires, flood and now COVID-19. The regions have taken a big hit and it is incredibly important moving forward, under the leadership of my good friend Minister Bronnie Taylor, that we continue to drive this agenda. I commend this motion to the House.

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

Motion agreed to.

Bills

RESIDENTIAL APARTMENT BUILDINGS (COMPLIANCE AND ENFORCEMENT POWERS) 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. Bronnie Taylor, on behalf of the Hon. Damien Tudehope.

The Hon. BRONNIE TAYLOR: I move:

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

Motion agreed to.

The Hon. BRONNIE TAYLOR: I move:

That the second reading of the bill stand an order of the day for a future day.

Motion agreed to.

*Documents***NSW BUILDING COMMISSIONER****Production of Documents: Order**

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 521 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (16:30:18): I seek leave to amend private members' business item No. 521 outside the order of precedence for today of which I have given notice by inserting after paragraph (c):

- (d) the documents returned to in this order be listed according to building sites, construction projects, and existing buildings as follows:
 - (i) only include the suburb and not the exact street address;
 - (ii) be numbered in instances where there are multiple building sites, construction projects, and existing buildings within a suburb.

Leave granted.

The Hon. COURTNEY HOUSSOS: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 August 2019 in the possession, custody or control of the Department of Customer Service relating to site visits undertaken by the NSW Building Commissioner:

- (a) a list of the building sites, construction projects and existing buildings, of all classes, that the New South Wales Building Commissioner has visited in his capacity as NSW Building Commissioner;
- (b) a list of the building sites, construction projects and existing buildings, of all classes, that have been subject to a follow up visit from NSW Fair Trading, Fire and Rescue NSW, or staff from other government agencies as a result of a visit from the NSW Building Commissioner;
- (c) a list of the building sites, construction projects and existing buildings, of all classes, that have been subject to formal intervention as a result of a visit from the NSW Building Commissioner;
- (d) the documents returned to in this order be listed according to building sites, construction projects, and existing buildings as follows:
 - (i) only include the suburb and not the exact street address;
 - (ii) be numbered in instances where there are multiple building sites, construction projects, and existing buildings within a suburb.
- (e) the indexed list of all documents, returned under this order of the House, provided in hard copy in no less than 12-point font and in electronic copy in a searchable format; 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.

This should not be a controversial call for papers. We are simply seeking a list of the places the Building Commissioner has visited, the follow-up activity that has taken place, any remediation actions taken and the formal interventions that have occurred. Ministers regularly publish their diaries and an office as high profile as that of the Building Commissioner should be prepared to stand up to some public scrutiny about what he is doing, where he has been and what the consequences of his actions are.

I say that it should not be controversial, but I move this Standing Order 52 call for papers motion after my colleague the Deputy Leader of the Labor Party made an application under the Government Information (Public Access) Act [GIPAA] for which the processing was judged to take 19 hours. Surely this should just involve printing off where the Building Commissioner has been and what he has been doing. There should be some file notes that are easily accessible. This is not difficult information. This information should be easy for the public to access through a usual freedom of information or GIPAA request.

The GIPAA request was denied. My colleague the Hon. Adam Searle then asked a question on notice to the Minister. The Minister gave a roundabout response that referred to the GIPAA application and said the information would be disclosed in time. This is not difficult information. Last night during debate on the Design and Building Practitioners Bill we talked at length about the importance of the need to address the crisis in the building industry. The NSW Building Commissioner is the person charged with responding to that crisis. This should not be difficult information to obtain and should not require a call for papers. The other opportunities that are available to access this information through a GIPAA request from either a member of Parliament or a member of the public or through a question without notice by a member of Parliament in this place or in the other place

should be sufficient to ascertain this information. Instead, this afternoon I will take the time to seek this information.

It is important for the public to be able to scrutinise what the Building Commissioner is doing. If this Government is happy with how he is doing his job it should be prepared to stand on his record and say, "This is where he has been and this is what he is doing." I acknowledge that I have had some conversations with the Minister's office and, as a result, I moved the amendment to my original motion to allow the details of the sites to not be disclosed. This does not mean that we do not want to follow through and see what has been the action for specific sites. But it will assure those home owners and owners corporations who have sought this information in good faith and who do not want to release the specifics of their buildings to the public that it will not be released at this time. We will give them that cover of confidentiality. With that, I commend the motion to the House and I encourage all members to support it.

The Hon. NATASHA MACLAREN-JONES (16:34:51): The Government will not oppose the motion.

The Hon. COURTNEY HOUSSOS (16:35:08): In reply: I thank the Government Whip for her contribution.

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

Motion agreed to.

UNLICENSED ELECTRICIANS

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 523 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (16:35:56): 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 2018 in the possession, custody or control of the Department of Customer Service or the Minister for Better Regulation and Innovation, relating to complaints and referrals regarding unlicensed electricians:

- (a) all documents relating to complaints and referrals regarding unlicensed electricians that were reported in the 2018/2019 financial year;
- (b) all documents relating to the outcome from NSW Fair Trading Building Investigations Branch on complaints and referrals regarding unlicensed electricians that were reported in the 2018/2019 financial year;
- (c) a list of the complaints and referrals regarding unlicensed electricians that were made between 1 January 2018 to 31 December 2019;
- (d) the indexed list of all documents, returned under this order of the House, provided in hard copy in no less than 12-point font and in electronic copy in a searchable format; 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.

In my remarks in the previous debate I referred to the avenues available to the general public for accessing information. The first one is through freedom of information under the Government Information (Public Access) Act—or GIPAA process, as it is now called. I seek this information today because the Electrical Trades Union has sought the information already through a GIPAA application. Again, the answer was that it would take an extraordinary amount of time to facilitate the release of the information. Let me provide some context. Last year the Secretary of the Electrical Trades Union, Mr Justin Page, appeared before a hearing of the inquiry into the regulation of building standards, building quality and building disputes. In doing so, he lodged what I can only characterise as a wad of complaints about unlicensed electrical work that was occurring around New South Wales at the time—primarily on government projects, including NorthConnex, the North West Rail Link, the light rail project, WestConnex and the Sydney Metro project.

This was not covert activity. This was not advertising that was somehow hidden in the dark web somewhere. This was advertising on Facebook groups that were open to the public, "You don't need any qualifications. Come and do electrical work on these significant government infrastructure projects." In response, Mr Page received a two-line email, "We're conducting an investigation" and, effectively, "There's nothing to see here." This is not good enough. We saw the results of this shoddy work when it was reported in *The Sunday Telegraph* just last weekend. There was a fire on the NorthConnex project a week ago on Saturday. That fire was the result of faulty building products used on a major government infrastructure project. This is not some dodgy construction work that is happening out the back of nowhere. This is a major government

infrastructure project using building products that do not conform to Australian standards. This Government is not conducting the appropriate inspections.

We know the dangers. Electrical work is specialised work that requires years of training. A first-year apprentice—someone who is starting out—requires one-to-one supervision. If you are just starting out, you require a licensed electrician to supervise the work that you are doing. As you gain knowledge and experience over a number of years, the supervision requirements decline. But when you are an unlicensed worker, when you are a worker without any qualifications, the guidelines in the Home Building Act are clear: The work must be done under the supervision and in accordance with the directions of a qualified supervisor. The Act goes on to say the qualified supervisor must be present at all times when the work is being done. They must be available to be consulted and give directions relating to how the work is to be done. They are personally to ensure that the work is correctly done. It says, again, that they must personally ensure that the work is done correctly. Who is policing this? In fact, it becomes the Electrical Trades Union.

After asking some questions about this during the building inquiry, I discovered that we have 14 inspectors for the whole of New South Wales. Only three are electrically qualified. Only four are actually electrical engineers. We have 14 inspectors during the unprecedented building boom that is happening across the State. It is no wonder, then, that the building inquiry recommended that we need more inspectors and we need the Building Commissioner to oversee them. In effect, we have a trade union becoming a pseudo regulator, making complaints and waiting for the follow-up. In response to its GIPAA request, the union was told that 106 complaints were made within the period. This, again, after further questioning in budget estimates, was shown to be false.

I am running out of time so I will go through only the most egregious of the examples. Fair Trading NSW came back to the Parliament to say that everything was fine and it was conducting a range of inspections, which, upon further investigation, were all inspections in response to the Electrical Trades Union's complaints. It said it had done an inspection; it spoke to 13 people on the NorthConnex project. How many electricians were working on the project at that time? There were 300. This is not a robust scheme. [*Time expired.*]

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:41:20): The Hon. Courtney Houssos has told us that the response to her Government Information (Public Access) Act [GIPAA] application will be that it involves—

The Hon. Courtney Houssos: The Electrical Trades Union.

The Hon. DAMIEN TUDEHOPE: The response to the Electrical Trades Union's GIPAA application will be that it involves too voluminous a number of documents to enable compliance. In those circumstances, it appears to me that one of the things that we ought to be doing to legitimise and give credibility to the moving of Standing Order 52 motions is to show we have limited the scope of the application to make sure that it does not impose such a burdensome liability on the resources of the Government for the purposes of making compliance so difficult. However, in the spirit of transparency of government and trying to assist those opposite, the Government will not oppose the motion.

The Hon. COURTNEY HOUSSOS (16:43:04): In reply: I make one final point, which is to acknowledge the work of the Secretary of the Electrical Trades Union, Justin Page. He is a trained sparky himself. He passionately believes in the need for a safer industry and he has been pursuing this issue through the building inquiry and now through this process. I acknowledge, in the spirit of bipartisanship, that some changes have been made within Fair Trading NSW to consolidate the way it communicates with SafeWork, which is good because previously it seemed they were communicating through Justin as opposed to speaking to each other. That is a good step forward. I will say one thing—it is a very serious point and I make it today, as other speakers have done. Today we officially went into recession. The Government has said that we will have a construction-led recovery from COVID. If we are going to have a construction-led recovery from COVID, it must be with a safe and well-regulated industry. We must ensure that inspectors are on the ground making sure that there will be no unnerving things for us to uncover in the future. I commend the motion to the House.

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

Motion agreed to.

MINISTER FOR POLICE AND EMERGENCY SERVICES

Return to Order

The CLERK: According to resolution of the House of 13 May 2020, I table documents relating to an order for papers regarding the police investigation involving the Minister for Police and Emergency Services, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

SCHOOL SUPPLIES**Return to Order**

The CLERK: According to resolution of the House of 13 May 2020, I table documents relating to an order for papers regarding supplies to public schools, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

TRANSPORT STRATEGIC ASSET MANAGEMENT PLAN**Return to Order**

The CLERK: According to resolution of the House of 13 May 2020, I table documents relating to an order for papers regarding the Transport Strategic Asset Management Plan, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

TAXI INDUSTRY**Return to Order**

The CLERK: According to resolution of the House of 13 May 2020, I table documents relating to an order for papers regarding the taxi industry, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

FEDERAL FINANCIAL RELATIONS REVIEW**Return to Order**

The CLERK: According to resolution of the House of 13 May 2020, I table documents relating to an order for papers regarding the Federal Financial Relations Review, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

*Motions***COVID-19 AND STATE ECONOMY**

Ms ABIGAIL BOYD: I move:

That private members' business item No. 508 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (16:46:07): I move:

(1) That this House notes that:

(a) the COVID-19 crisis has caused significant disruption to the people of New South Wales as well as to the economy;

- (b) we are in a climate crisis and the continued global extraction of fossil fuels is one of the primary contributors to the climate crisis; and
 - (c) prior to the COVID-19 crisis, more than 13 per cent of the New South Wales population were estimated to be living in poverty.
- (2) That this House affirms that:
- (a) the Government has a responsibility to ensure that the actions it takes now to address the COVID-19 economic crisis do not contribute to a worsening of the climate crisis or a worsening of economic inequality in New South Wales;
 - (b) the approval of new coal and gas projects are actions that are inconsistent with action to prevent a worsening of the climate crisis;
 - (c) planning for our economic recovery from COVID-19 should, as far as possible, be designed to simultaneously address the climate crisis while also reducing economic inequality;
 - (d) government investment in the renewable energy industry and sustainable infrastructure has the potential to create thousands of jobs in New South Wales; and
 - (e) from the perspective of stimulating the economy as well as for the purposes of lessening economic inequality, where additional government revenue is required to be raised, it should be raised from those in our society most able to afford it, and not by cutting wages or benefits to those least able to afford it.
- (3) That this House calls on the Government to:
- (a) prioritise the ongoing wellbeing of the people in New South Wales in all of their COVID-19 recovery efforts; and
 - (b) ensure the future prosperity of New South Wales by prioritising urgent investment in and development of sustainable infrastructure and renewable energy.

We are in the middle of a global pandemic and it is a crisis that we must respond to. The climate crisis did not stop being a crisis just because we have a second crisis to deal with. We are still in the middle of a climate crisis and we still have to urgently address the challenge. Bubbling along in the background of both the climate crisis and the COVID-19 crisis is a growing jobs and economic inequality crisis. Climate, COVID-19 and economic inequality are three distinct but connected crises presenting a unique challenge for policymakers as well as for economic theorists. After the Great Depression the United States was faced with interconnected crises: firstly, a jobs and productivity crisis with unprecedented numbers of people needing work; and, secondly, widespread poverty and the need to urgently provide government services to record numbers of people to lift living standards across the country.

The United States developed the New Deal, and through a period of significant government investment and nation-building public infrastructure it was able to turn its economy and society around, leaving it with a bolstered welfare state and national improvements that lasted decades. The Green New Deal takes that same concept; it takes the multiple crises we are facing and proposes a period of massive government investment to marry up the solutions to all of those crises. With government investing in nation-building and planet-saving projects now, we can not only put more people in jobs and stimulate the economy but also create the much-needed green infrastructure to decarbonise our economy. With that investment we rapidly transition to a greener economy not only with hundreds of thousands of new jobs in renewable energy and other stereotypical green jobs but also in other low-emissions jobs in industries like education, health, aged care and the arts and creative industries.

Economic recovery from the COVID crisis cannot be used as an excuse to push forward the interests of big business and the wealthy. It cannot be used as an excuse to pretend that climate change—the biggest threat to our survival on this planet—is no longer of concern. We could create jobs in a whole range of undesirable, outdated and toxic industries, but thankfully we have a choice. Just as we moved from fax machines to emails—and we did not stubbornly keep creating more jobs in the fax machine industry—we can move from fossil fuel extraction to renewables without creating more jobs in industries that are outdated and actively harmful to our long-term prosperity and wellbeing. Now is the time to make hard choices, as we heard from the Government yesterday. The hardest choice of all for this Government to make, and a choice that it must make, is to turn its back on the fossil fuel companies that help fund its campaigns and pulls its strings. Our State needs real leadership and vision. It does not need a return to business as usual, but a real plan to provide meaningful, secure, well-paid jobs in the public sector while providing for and increasing the wellbeing of everybody in our society. I commend the motion to the House.

The Hon. MARK LATHAM (16:49:27): One Nation will not support this motion. Primary among our concerns is the paucity of research. What do they do in The Greens research centre? They are weaving their baskets, they are cooking up their tofu, they are pouring through a full library of David Elliott videos, but where is the hard economic data? Where are the job numbers to support the assertion that we can create economic recovery in New South Wales off the back of renewables? The verdict is in, and I am amazed the honourable member has not quoted from the document released by the New South Wales Government, *Net Zero Plan Stage I:*

2020-2030. With a price tag of \$2 billion, Minister Kean outlines chapter and verse all the different programs and policies announced for public investment in hydrogen technology, solar panels, wind farms, three renewable energy zones, electric vehicles, electric charging stations and conversions—apparently that is Minister Constance's fault, not Minister Kean's—a \$450 million Emissions Intensity Reduction Program and a Climate Solutions Fund.

The plan further outlines changes to the National Construction Code and Building Sustainability Index and the Clean Energy Program. It goes on and on. There are so many announcements that I cannot list them all. There are more announcements in this document than the public announcement system at Central Railway Station. It is full of announcements about investment in renewables. At the end of it, the bottom line for the economic pointy-heads is 240 jobs per annum. Who in their right mind would spend \$2 billion in a deep recession to generate 240 jobs per annum? The verdict is in. There is no data; there are no job numbers in the motion moved by The Greens. But we have the hard economic data model put forward by the Berejiklian Government that states we will get 240 jobs per annum out of an investment of \$2 billion.

Who would do that to try and maximise employment, particularly when it is a faulty source energy? Imagine poor Daniel Walton from the Australian Workers' Union on his next global investment tour saying, "Come and invest in New South Wales. We have the best energy system that does not work on a still night. When the sun does not shine and the wind does not blow, there will be no renewables." We would not find anyone investing in New South Wales on the basis of this faulty energy system. The truth is we need to be a global energy superpower. We have that potential if we liberated the gas, nuclear, coal and flourishing renewable energy sources. We should have as many sources as possible to drive down energy prices and compete effectively on the global market, not by driving down wages, but by lifting jobs and economic and manufacturing activity in New South Wales with the cheapest, most reliable energy in the world. We will not get that out of The Greens research centre.

The Hon. ADAM SEARLE (16:52:40): On behalf of the Opposition I indicate some sympathy with parts of the motion moved by Ms Abigail Boyd, but Labor has some concerns. I move two amendments to Ms Abigail Boyd's motion and I am happy for them to be voted on separately. I move:

That the question be amended as follows:

- (1) Omit in paragraph (1) (b) "and the continued global extraction of fossil fuels is one of the primary contributors to the climate crisis".
- (2) Omit paragraph (2) (b).

I will speak briefly to both amendments. The Opposition has some sympathy for the notion that there is a climate crisis. There is an urgent need to tackle greenhouse gas emissions and Labor has been very critical of the tardy way in which the State and Federal governments have done so. But there is some overlap of policy and the need to do something. The question is the degree of commitment. Some of the points made by Ms Abigail Boyd are well-founded but, again, Opposition members think the fossil fuel industries are an important part of the energy mix. Coal has been a very important provider of electricity. Even though the existing coal-fired power stations will come to the end of their life and we will need to replace them with the cheapest form of new-build energy, which is renewables backed by storage—for a long time, and that means a decade or a decade and a half—coal will be an important part of our energy mix. There is no disputing that on our side of the Chamber.

In relation to points made by the Hon. Mark Latham, Labor's plan at the last election would have seen the installed energy capacity of the State double over a decade, over \$10 billion invested and more than 13,000 direct jobs created for that investment. That would have provided a lot more energy security for New South Wales. It is not about putting all your eggs in one basket; it is about having a diversity of energy supply. As our coal-fired power stations get older they will get less reliable. As we have seen with Liddell, they are not always a reliable source of power due to their age. The issue is what is the cheapest form of new build replacement. Renewables backed by storage are but we do not think you should demonise the fossil fuel industry. We do not think it should be shut down and we do not think that those jobs are unimportant. The coal sector is a very important part of our economy and we do not resile from that. That is why I have identified our key problems and difficulties with those parts of the motion. We cannot support it in its current form for those reasons. We must take a balanced approach to energy, one that is driven by cost and reliability as well as cutting carbon emissions.

The Hon. NATASHA MACLAREN-JONES (16:55:47): I too seek to amend the motion. I move:

That the motion be amended as follows:

- (1) Omit paragraphs (1) (b), (1) (c) and (2).
- (2) Insert after paragraph 1 (a):
 - "(2) That this House affirms that the Government has a responsibility to take action to address the COVID-19 economic crisis."

- (3) In paragraph (3) (b) omit "by prioritising urgent investment in and development of sustainable infrastructure and renewable energy" after "New South Wales".

We are in extraordinary times in our State and nation as we face challenges due to the global health pandemic. What has unfolded over the past few months has changed our way of life. We have seen lives and jobs lost and millions of people face economic uncertainty. We are not facing an environmental catastrophe. What we have is a health and economic crisis, which our Government has been tackling. We are fortunate to have one of the best health systems in the world, which has allowed us to respond rapidly to the health crisis. We only have to look at many other nations whose health systems have been overrun by this pandemic.

I give credit to the outstanding health teams across New South Wales—our nurses, doctors and allied health professionals—as well as the community for doing their bit by following guidelines. At the centre of this has been an \$800 million investment by the New South Wales Government into health. This has transformed our healthcare system to better support the people of New South Wales. In March this year the Government invested over \$700 million to increase our intensive care unit [ICU] capability, preparing for COVID-19 testing, purchasing ventilators and medical equipment, employing more staff, upskilling existing staff, establishing respiratory clinics and expanding digital and virtual health care. Furthermore, \$17 million has been invested in 89 new and upgraded ambulances.

In April the Government invested a further \$58 million to provide accommodation for our frontline staff so that they could stay away from their homes and protect their families as well as \$36 million for research and innovation, including vaccine trials, and \$10 million to boost our domestic supply chain. In the same month we fast-tracked COVID-19 recovery wards at Royal North Shore Hospital, Westmead Central Acute Services Building, Macksville Hospital and Mudgee Hospital and ICU beds at Dubbo Hospital, not to mention a further \$73 million for mental health and wellbeing. The Government is delivering for the people of New South Wales and that is what the people of New South Wales expect a government to do in a real crisis. What is before us is a health and economic crisis, not a climate crisis. We must be real about what is before us and focus on delivering what the people of New South Wales deserve.

The Hon. ROSE JACKSON (16:58:47): I would like to think that as a mature, sensible, forward-looking, perhaps even visionary Parliament we were able to accept that the health crisis, the economic crisis and the climate crisis are able to coexist. It would be great if we could press pause on climate change whilst we deal with this health and economic crisis. Sadly that is not possible. One of the very sad things we have seen as a result of this economic shutdown is that even with the total grinding to a halt of the global economy that we have experienced, the best estimate for emissions reductions in 2020 as opposed to 2019 is 8 per cent—all of this pain we have been suffering through this economic shutdown globally for an 8 per cent emissions reduction on 2019. We need to be real about how hard it is to tackle climate change.

I do not think that fanciful notions about how renewable energy is the solution to all these problems are helpful. I am a full supporter of renewable energy. I have spoken about that so many times in this House. But it is clear that pulling people out of poverty requires growth and that can be very emissions intensive. Pulling people out of poverty is incredibly important but we have seen from China and the developing world that growth is emissions intensive. That is the reality. I love the idea that we could approach these things sensibly and seriously. It is not good enough to just say, "We can solve the economic crisis, we can pull people out of poverty, we can get growth going again, we can solve the climate crisis and it can all be done. There is a great plan and it has a sexy name and it is the Green New Deal." That is not good enough. It is possible but it is really hard.

The Hon. Mark Latham: Nuclear.

The Hon. ROSE JACKSON: I will address the interjection from the Hon. Mark Latham. This Government could not even build a light rail on time and on budget. The idea that nuclear power plants could be built sensibly and seriously by this Government in any kind of time frame to actually deliver emissions reductions is a joke. There is no way we are going to be able to get nuclear power. It is unbelievably expensive. It is going to take decades to come online. It is not the solution to the climate crisis. We know that. It has been so comprehensively rejected. But we need to get serious about what is actually going to work and it is not the nuclear power plant slogans and it is not the Green New Deal slogans. It is serious work looking at how we redress inequality, poverty and unemployment. We have a great opportunity to decarbonise the economy but pretending it is easy with a couple of simple words in a motion is not the answer.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:01:59): I speak in support of the Government's amendment. From the outset the Government has been acting so as to address the economic wellbeing of the people of New South Wales by a variety of programs as a result of this pandemic. Prioritising the wellbeing of the people of New South Wales is in fact probably predicated first and foremost on the notion that the best thing you can deliver to the people of New South Wales in circumstances where

500,000 people potentially have lost their job is a job. That is the solution that we should be looking for. The motion moved by The Greens, which has been so sensibly amended by the Government, is a recipe for making sure more people are out of work and does not create one single job that is identifiable by research.

To respond to the impact of COVID-19 the Government has already allocated more than \$10 billion in health and economic stimulus measures in less than three months. The Government has already acted so as to seek to stimulate this economy. The package is aimed at addressing the gap between what the Australian Government announced and what the people of our State need in addition. The New South Wales Government has developed support measures for local communities and vulnerable small businesses. It has eased the burden on the underemployed and unemployed, giving them the tools they needed to negotiate rent reductions so as to keep a roof over their head.

We have invested in homelessness and food stability to ensure our most vulnerable continue to be cared for. We have also provided one-off grants of up to \$10,000 to highly impacted small businesses to help them to keep the lights on, the doors open and people in jobs. We know that when we invest in our people, they invest in our economy. COVID-19 has had widespread impacts across New South Wales and Australia as a whole. We have witnessed so many people going out of work. We now have a unique opportunity to lead the way out of the COVID-19 crisis for Australia and even the world. This Government has demonstrated that it is committed to the wellbeing of the people of this State and is best placed to provide for the economic wellbeing of our State going forward.

Ms ABIGAIL BOYD (17:05:20): In reply: I thank all members who contributed to this debate. I turn firstly to the contribution of the Hon. Mark Latham. I would also love it if political parties would read the evidence and do the research instead of, as we have seen from One Nation, cherry-picking the research that they like, ignoring the rest and sticking stubbornly to nineteenth-century economic principles that are clearly out of date.

The Hon. Mark Latham: It's not mine; it's the Government's.

Ms ABIGAIL BOYD: I do not put much stock in that, either. Some members in this Chamber crow about job numbers as if jobs are the only things that anyone cares about. Why do they care about jobs? Because they need to put a roof over their heads, because they need food on their tables and, if they are lucky, they will be engaged in meaningful work. But not all jobs are created equally, and jobs that do not increase the overall wellbeing of people in this State and that do not increase the average quality of life are not jobs worth having.

In relation to the contribution of the Hon. Adam Searle, I am disappointed, but not surprised, that Labor would like to take out those two parts of the motion. These are statements of simple fact and that the Australian Labor Party cannot accept the basics of climate science really does not fill me with confidence in the party's ability to take meaningful action on climate if, hopefully, one day the ALP is in charge. In relation to the contribution of the Hon. Natasha Maclaren-Jones, the Government's amendments would make this motion as empty and vacuous as the rest of the Government's aspirational goals. The amendments do not say anything.

The Hon. Natasha Maclaren-Jones: That's a bit harsh.

Ms ABIGAIL BOYD: It is harsh but fair in this case. In relation to the contribution of the Hon. Rose Jackson, I am absolutely gobsmacked at her lack of knowledge how economics works, such as the idea that we need emissions reductions to lift people out of poverty as if Australia had 13.3 per cent of people living in poverty prior to COVID-19 because of a lack of emissions reductions! We have huge economic inequality because we do not distribute wealth properly in this country because we allow the rich to get richer and taxes to be cut, without distributing and providing for the fundamental wellbeing of the people of this State. I do not have any response to the contribution of the Hon. Damien Tudehope, which was the same old, same old. I thank all members for taking the time to contribute.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): Ms Abigail Boyd has moved a motion, to which the Hon. Adam Searle and the Hon. Natasha Maclaren-Jones have moved amendments. The question is that the amendment of the Hon. Natasha Maclaren-Jones be agreed to.

Amendment agreed to.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): As the amendment of the Hon. Natasha Maclaren-Jones has been agreed to, the amendment of the Hon. Adam Searle lapses. The question is that the motion as amended be agreed to.

Motion as amended agreed to.

COVID-19 AND YOUNG PEOPLE

The Hon. ROSE JACKSON: I move:

That private members' business item No. 525 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROSE JACKSON (17:10:30): I move:

- (1) That this House notes that:
 - (a) the lives of young people and students have been profoundly impacted by the coronavirus pandemic;
 - (b) youth unemployment is at a crisis point, with many young workers unable to access government support because they are casuals, being paid off the books or ineligible for Youth Allowance;
 - (c) university students have had their studies massively disrupted, including courses cancelled, teachers dismissed and exams conducted by exam monitoring software such as Proctor U which does not protect students private data from private companies; and
 - (d) international students have been particularly disadvantaged, with eviction, homelessness, squatting and resorting to food relief programs alarmingly common.
- (2) That this House calls on:
 - (a) State and Federal governments to develop policies to support the particular needs of young people as students, workers, and as the next generation of Australians who have just seen their futures profoundly altered; and
 - (b) State and Federal governments to immediately act to address the unemployment and financial crisis facing young people including amending eligibility to JobKeeper and Youth Allowance to better support casual workers, off the books workers and international students.

I start my contribution with Laura's story. Laura is a young university student who lives in the Blue Mountains and studies at the University of Technology Sydney. Laura was working off the books, cash in hand at a cafe prior to the COVID-19 crisis. That is not uncommon in New South Wales; a lot of people work off the books or work cash in hand, experience wage theft and are paid below the minimum wage. We know that as we have talked about it before. The cafe Laura was working at was closed because of the public health orders. Because she was working off the books, obviously Laura was not eligible for JobKeeper, a program that the Government was offering employers to support employees being paid through normal processes. Obviously, those being paid cash in hand were not eligible for the JobKeeper program.

Laura is also not eligible for JobSeeker. Laura is a full-time university student and JobSeeker is a program for unemployed workers; it does not apply to full-time university students. The Youth Allowance is paid to full-time students who need income support. Laura is also not eligible for Youth Allowance. Eligibility for Youth Allowance is incredibly stringent. It is based on very tight definitions of how the person is classed independent. If the person is in any way reliant or able to be reliant on their parents, despite how strained that relationship may be or how stressed that person's parents might be in this time of economic crisis, the student is not classed independent and therefore is not eligible for Youth Allowance. Laura was left with nothing. Thankfully, she was able to move back in with her parents in the Blue Mountains and is relying on them until the hospitality industry gets off the ground. Laura honestly considers herself one of the lucky ones—her income is completely smashed, but at least she has her parents to fall back on.

Laura's story is not uncommon. Hundreds of thousands of young people are experiencing financial crisis. There is mass unemployment amongst young people because of the economic shutdown. The long-term consequences of this are significant. It is not just the immediate financial difficulties that young people find themselves in; this has long-term consequences. Dislocation from the labour market in the early stages of a person's career can be really disruptive later on. It can lead to lower income and fewer career prospects. It can disrupt people's access to the housing market. Obviously, Laura was a renter and she was lucky she was able to move back to her parents. Some young people are saving for deposits and saving for stamp duty, but home ownership seems impossible now for many young people.

Then there are the mental health consequences of this situation. Laura is really struggling. She is able to access mental health support, but she has been dislocated from her friendship networks in Sydney because she has moved back to the mountains. She is out of university so many of her contacts that we know young people draw strength and vitality and creativity from are gone. Like many young people, she is living at home with her parents and studying online. This is an incredibly stressful and anxious time for many young people. We have seen access to mental health services going through the roof for young Australians. Many of them are accessing their superannuation. They are desperate and they need income right now. The long-term consequences of that are also dire. Decades down the track women, particularly like Laura, will find themselves tens of thousands of dollars, if not hundreds of thousands of dollars worse off at retirement because they emptied their super funds now because they were desperate.

The experience of young people as students is difficult. I mention disadvantaged 16- to 18-year-olds in particular. The statistics came out right away when we went to remote learning. A couple of weeks in and a third

of students at a regional high school in New South Wales had still not accessed the remote learning app. I repeat, weeks in, a third of students had no access to remote learning. Disadvantaged students would have fallen even further behind. We were already going badly in education in New South Wales. We have talked about it in this place before. Now tens of thousands of disadvantaged young people have lost weeks and months of educational exposure. They do not have tablets or computers at home. A lot of them barely have internet. We need direct, targeted and intensive intervention now to help 16- to 18-year-olds to get back on track. Education is the ladder out of poverty. We yanked the ladder up because of the health crisis; now we need to quickly pull it back down. University students are also facing a whole range of problems, particularly international students. There have been long queues for food relief. These people came to our country as friends to learn and we have left them with nothing.

The Hon. MARK LATHAM (17:15:40): That was a very fine speech. I congratulate the Hon. Rose Jackson on moving this motion. I invite her to participate or to substitute into the Portfolio Committee No. 3 - Education inquiry that has just been launched into the higher education and tertiary sector in New South Wales. These are very important issues. There is a host of criticism of higher education in New South Wales. Have universities become degree factories—just tick and flick? Are they too reliant on overseas income? Are they overbuilt? Have they compromised academic and student freedom? There is very strong evidence for all of those cases and that the university system in Australia is in a sick state. Financially, universities have not had any risk management strategies in place. They have put all their eggs in the foreign student basket. They have relied on that income.

I do not find it to be a system consistent with the vision of Whitlam and Dawkins in expanding higher education in Australia in the 1970s and 1980s. What the system has become is not what they envisaged. There has been a drop in quality and a deterioration in teaching and campus life. The social side has been horrific. It is a system riddled with problems, but also potential. The Country University Centres have been a wonderful success story.

[A Government member interjected.]

Well there are some innovations worth looking at and our inquiry will certainly do that. It is important to think about creative ways of establishing competitive alternatives to the big, fixed built campus model of higher education delivery. The online experience, while imperfect, may hold some potential in that space. It is very good that the member raised these concerns. Madam Deputy President, the Hon. Courtney Houssos, also has pointed out in our committee, that New South Wales probably has the thinnest higher education policy and involvement of any of the States in the Commonwealth. There is a lot more that can be done. In Victoria they have generated a lot more research work and economic benefit through a State Government interest in and commitment to higher education. It might be an old-fashioned arrangement, but we are the legislating body for every university in New South Wales. That is an important responsibility and we need to get it right.

Some Government Ministers also need a wake-up call. Everyone loves Victor Dominello—Digital Dominello—but he needs to come into the real world. Today he was reported in the media as saying, "We need to be a smart nation and a smart State. New South Wales is already ahead of the pack." We have the fastest falling school academic results in the world. We have a higher education system that is riddled with failure. We have massive problems in vocational education. I want a smart State. I want a smart and thriving New South Wales economy. We have a lot of work to do to get to that point and bravado and rhetoric are not going to do the job. We need to take these concerns seriously, have a good look at them and come up with solutions.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (17:18:58): There is no doubt that every person in New South Wales has been affected by COVID-19, particularly our young people. I note that a lot of what this motion proposes sits within the responsibilities of the Commonwealth Government, but the New South Wales Government has taken a number of steps to support the State's young people. New South Wales has introduced a \$20 million package to support international students. We have done something—I correct that. The package includes temporary crisis accommodation for students in need. It also includes a new dedicated 24-hour a day, seven days a week international student support service through the New South Wales Government COVID-19 hotline on 137788.

The motion calls for policies that support university students who have their lives impacted, particularly international students. I want to focus on some rural and regional students who I represent in this place. Luckily, the New South Wales Government is already supporting distance learning for young people in regional New South Wales through Country University Centres [CUCs]. I invite all members to visit one of those centre. I know that Deputy President Houssos has been to one. Since COVID-19 has struck CUCs have experienced an increase in students enrolling. They can no longer attend face-to-face learning so they have moved home from university—my two daughters and the children of many of my friends have done this. It allows fast internet access.

The university centres had to shut for a period of time during COVID-19 like other places, but they are now back on their feet. I know that students were ringing the voluntary chairs of the committees for the different sites throughout New South Wales to plead with them to open during COVID-19. It was the only way they could continue their university studies. It is a great model and a good thing for rural and regional students. It would be really nice to get good bipartisan support and I thank the Hon. Mark Latham for his interest, commitment and courage in looking at models outside the normal scheme.

This semester more than 700 students will be studying across the Country Universities Centres network. Those 700 students would otherwise find it very difficult to study in rural and regional New South Wales. Surely that is to be celebrated, regardless of the politics. This Government understands that young people have been negatively impacted by the pandemic and many have lost their jobs, particularly in rural and regional New South Wales. The New South Wales Government has made more than 20 short courses free and available online through TAFE. Since April more than 100,000 people have enrolled, with 54 per cent of enrolments from regional New South Wales. I am pleased that the Government can offer these support measures to our State's young people during this time. I congratulate the member on her motion.

Ms ABIGAIL BOYD (17:22:13): On behalf of The Greens I support the motion. I also thank the Hon. Rose Jackson for moving it. During the global financial crisis I was in Europe where I saw firsthand the impacts of the economic crisis on the most vulnerable people in society whilst sparing those with more and power. I also saw the impacts of the subsequent austerity policies that were put in place coming out of that crisis. I will give two examples of how that unfolded. London bankers and lawyers who had lost their jobs were getting fast tracked into jobs that lower paid or unemployed people or graduates would have hoped to obtain. They were fast tracked into teaching jobs, jobs as detectives and so on. There were a number of schemes.

Even without government intervention, the loss of well-paid jobs resulted in a shuffle down effect. The job opportunities for people at each stage narrowed as those recently out of jobs in the pay scale above came down the ladder. Meanwhile, hiring freezes across both the private and public sectors meant that recent graduates had no entry-level jobs to go to. Years later, when hiring picked up, it was the new graduates from that year, not the ones who had been unemployed for the last few years, who were first in line to get the entry-level jobs. A generation of young people found themselves locked out of the job market and that impact has reverberated throughout their entire working lives. In some countries youth unemployment has never recovered. In 2014 in Spain the youth unemployment rate was still more than 55 per cent for under 25s. Before COVID-19 hit it was still over 33 per cent.

The statistics are similar in countries such as Italy and worse in countries such as Greece. The pre-COVID European Union average was almost 15 per cent, staying roughly twice as high as the average unemployment rate across all member countries. The same thing, of course, is happening here. Even before this pandemic, the New South Wales youth unemployment rate was around twice that of our average rate and that trend has continued during the pandemic. It has already disproportionately hit them as vulnerable people in our society and the economic fallout will continue to disproportionately impact not only on young people but also on women, people with a disability and other disadvantaged groups. International students, women on visas and other non-voters have been particularly neglected in the Government's response plan so far. Acknowledging that disproportionate impact is the first step. The second step is for this Government to design a recovery plan that specifically seeks to rectify that inequality, not just now but also into the future. This motion gives a few examples of that and The Greens support it.

The Hon. BEN FRANKLIN (17:25:23): The Hon. Rose Jackson calls for policies to support young people as future generations of workers. What she has not realised is that this Government is the Government of the workers. We are dedicated to supporting all people across New South Wales, including young people, to gain the skills they need for a meaningful job and a meaningful career. We are leading the way in delivering opportunities for young people to enter vocational training so that they are prepared for the jobs of the future. Let me tell you how we are doing that. The 2019-20 budget dedicates \$2.3 billion to skills. It includes 100,000 fee-free apprenticeships and 70,000 fee-free traineeships. Apprenticeships and traineeships are a proven pathway to well-paid jobs in a diverse range of careers. They combine on-the-job training with classroom study to give our young people the skills and experience employers are looking for.

Direct support for young people also includes the \$15,000 Bert Evans Apprentice Scholarships, which support apprentices who are experiencing financial or personal hardship, demonstrate a high aptitude for vocational education and training and are committed to their training on and off the job. The New South Wales Government is also leading the way in providing upskilling opportunities for people during this challenging time. We want to see as many people as possible gain the skills they need to support their businesses during this time because we want to see people even better equipped to get a job after the pandemic ends. To ensure this, we have launched 21 fee-free online short courses through TAFE NSW in areas such as health, business and IT. There was

an unprecedented uptake of those courses in tranche 1, so we announced 13 new courses to replace the 13 courses that had reached enrolment capacity.

With tranche 2 of those fee-free courses, we ensured everyone in New South Wales who wants to use this time to upskill has an opportunity to do so. The tranche 2 courses are in areas such as coding, cyber security and leadership—courses for the future. The training offered will provide pathways into other TAFE NSW qualifications. Last week the Premier and Minister Lee announced that we had seen more than 100,000 enrolments in those courses—an outstanding result for the people of New South Wales and something I hope the Hon. Rose Jackson applauds. This Government is already supporting young people all across the State. However, the member's motion primarily deals with a Commonwealth matter. Therefore, the Government will not support the motion.

The Hon. JOHN GRAHAM (17:28:15): We know the arts and entertainment sectors have been devastated. I applaud the single-handed efforts of the Hon. Ben Franklin to revive them with that comedy act—some serious points, but comedy to open and close. I thank the Hon. Rose Jackson for moving this motion and arguing the case today. It is very important, as I have seen through the night-time economy issues that I have taken an interest in. Those sectors of the economy have just been devastated; we know that, but they are mainly young people at work. I agreed with the final point that the Hon. Ben Franklin made: A lot of these issues are Federal issues. We were really hoping that JobKeeper would help in those industries, but often those workers are the ones who are not getting Federal help. They are young people who have fallen between the cracks because of the nature of their work—contract work for less than 12 months.

We heard from the Hon. Ben Franklin about the help the Government is giving in New South Wales. The real issue is that it is being dwarfed by what is happening on the ground. There is some good assistance, but it is absolutely swamped by a tsunami of unemployment. People have been put out of work with no notice—mainly young people, really for the first time in their lives, not knowing what to do without help. That is the issue. I commend the Hon. Rose Jackson for bringing this issue before the House. We will talk more about it; we certainly should, because a generation of people who would not have seen this coming and have no experience of what it is going to mean for the rest of their lives are really hurting right now.

The Hon. SCOTT FARLOW (17:30:16): I commend the Hon. Rose Jackson in terms of the prescription of the problem. There is no doubt that young people in our society have faced a terrible impost of COVID-19, particularly when it comes to what is a healthy cohort—people who are perhaps disconnected from the health impacts but are feeling the economic impacts of the COVID-19 pandemic. That is why yesterday in this House we debated a wage pause for public sector workers so that we could get more people back into work in New South Wales. We could get young people into jobs. We could create 20,000 jobs in New South Wales—20,000 jobs on infrastructure projects that would go to young apprentices, people who would be on the job getting employment, providing a pay cheque to those 20,000 workers rather than providing a pay rise to the public sector.

This House can do that constructively within the realms of the State Government to contribute to employment in New South Wales to help young people in this State who are out of a job and not on JobKeeper—the young people that the Hon. Rose Jackson quite rightly points out are missing out. That is what this House can do. But this House cannot do anything about JobKeeper. This House cannot do anything about the youth allowance because that is for the Federal Parliament. I suggest that the Hon. Rose Jackson seek a seat in the Senate if that is the issue she wants to follow up.

The Hon. Rose Jackson: You'd miss me.

The Hon. SCOTT FARLOW: We would miss her. We have seen so many from this House go to the Senate; we would miss her, but I am sure she would be able to pursue this course. If she wants to create jobs for the youth of New South Wales and do so by the means of this House, she can do so by supporting motions such as the one on wage freezes that we debated yesterday that the New South Wales Government has recommended and will be fighting for in the Industrial Relations Commission tomorrow. We on this side of the House want to look after those 20,000 people. We want to create 20,000 jobs. We want to look after the youth of New South Wales by providing more job opportunities and by providing jobs, jobs, jobs. That is the only way we will see a recovery and that is the only way that the people of New South Wales can be sure that this House is actually providing opportunities for those who find themselves out of work.

As has been rightly pointed out, New South Wales has provided \$20 million—the largest package of any State—to support international students. That is the New South Wales Government doing its bit there. The Hon. John Graham talked about the arts industry, which has been hit by the COVID-19 pandemic and does not have a road map to any large events taking place in the future. That is why this Government has announced a \$50 million fund for arts and creative industries in New South Wales to be able to help the industry as well. That

is what this Government is doing in a constructive way within the realms of the powers of this House. If we want to debate what the Federal Government can do, we should go to Canberra.

The Hon. ROSE JACKSON (17:33:24): In reply: I thank the members who contributed to debate on this motion. In the spirit of bipartisanship, and because I do not intend this motion to be a political one—this is not about political pointscoring—I withdraw the comment that the New South Wales Government has done nothing for international students. I acknowledge the contribution that the Government has made is worthwhile. I still think there is more to do, but I support those programs. I support the skills and training programs that the Hon. Ben Franklin outlined. I would have a little more faith and I would take it a little more seriously if this Government had not also been responsible for the complete and utter dismantling of the public skills and training system through its attack on TAFE. Clearly, young people love TAFE. Clearly, offer fee-free TAFE courses and young people are absolutely enthusiastic. "Give us more", we say, yet it has almost totally dismantled the TAFE system.

If we are genuinely interested in giving young people more opportunities in skills and training, which they are clearly enthusiastic about, let us properly rebuild the public provider and reposition TAFE as it once was, as a premium public provider of skills and apprenticeships in New South Wales. I also note the contribution from the Hon. Scott Farlow on the public sector wage freeze. What young people need if they are working in the hospitality or the accommodation industry is teachers and nurses with spare money in their pockets to take a regional trip in New South Wales or to go out for brunch or for dinner once in a while. If you freeze their wages, they will not be in a position to do that. We need that money circulating in the economy, in the hospitality industry, in the accommodation industry and in the retail industry. When we take money from public sector wages, we pull that money out of retail, out of accommodation, out of tourism and out of hospitality. That is exactly what we do not need right now.

Obviously this motion talks about Federal issues. I raised this to have a constructive debate and to give voice to some of the concerns in this House. But also in the spirit of bipartisanship I raised this to get rid of the buck-passing and, "Oh, it's not our problem. We don't run that program; that has nothing to do with us." Just pass the motion so we can send a message that we would like to see our Federal counterparts doing more to support young people. I am obviously aware that the State Government does not fund Youth Allowance and JobKeeper—I know those details. I still think this House can send the message to our colleagues in Canberra that we would like them to do more. We do not need to be saying this is a State or a Federal issue; it is not our problem. This is our problem and we should send a message that we are serious about it by passing this motion today.

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

The House divided.

Ayes21
 Noes 16
 Majority.....5

AYES

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

NOES

Banasiak	Borsak	Cusack
Fang	Farlow	Farraway (teller)
Franklin	Harwin	Khan
Maclaren-Jones (teller)	Mallard	Martin
Mitchell	Taylor	Tudehope
Ward		

PAIRS

Mookhey

Amato

PAIRS

Sharpe

Mason-Cox

Motion agreed to.**VICTORY IN EUROPE DAY SEVENTY-FIFTH ANNIVERSARY****The Hon. NATASHA MACLAREN-JONES (17:49:15):** I move:

- (1) That this House notes that:
 - (a) this year marks 75 years since the end of the Second World War and 8 May is Victory in Europe Day, also known as VE Day; and
 - (b) VE day marks the surrender of German High Command to the allied forces, ending the war in Europe, and is an opportunity for us to remember the sacrifices of those who served and died in the war.
- (2) That this House pays tribute the brave Australian service men and women who served during the Second World War, and those who have served and are serving in the Australian Defence Forces.

This year we commemorate the seventy-fifth anniversary of Victory in Europe Day, otherwise known as VE Day, which marks the end of the war in Europe during World War II. This VE Day has been marked as being different to most other times as many of us have been isolated during the coronavirus pandemic. However, the world came together to mark 75 years since the first VE Day and the end of hostilities in Europe. On 7 May 1945 German high command signed an unconditional surrender of its armed forces that would come into effect on 8 May 1945, sounding the end of the war on the European Front. Whilst the war would continue in the east until September, 8 May 1945 would mark the end of Nazi Germany, ceasing hostilities that had spread across Europe, the Middle East and the Atlantic Ocean, lasting for five years and eight months.

Upon the end of the war and the ceasefire, celebrations had begun throughout Europe as a national holiday was celebrated in Britain. Over a million people flocked to the streets of London to celebrate the relief that the war was finally over. People put out flags and banners and rejoiced that there was a conclusion of hostilities. King George VI made an address to the Commonwealth to relay the message over the radio, announcing:

... the years of darkness and danger in which the children of our country have grown up are over ...

Whilst this was a time of significant jubilation it was also a time of sombre reflection. People would mourn the loss of their loved ones who served and paid the ultimate sacrifice. The hardships of war left a mark on the people of Europe. The sound of air raids, weariness from the constant threat on the home front and wartime life left people greatly affected by the end of the war.

In Australia the war was celebrated by a sense of relief but also tempered by the fact that the war in the Pacific was still to wage on for the following months. Despite this there was still a sense of jubilation. Churches held thanksgiving services and remembrance services were held in major cities to commemorate those who lost their life. Floodlights over the Australian memorial would read "in bright relief against the darkness, which is now passing from Europe, and soon from the entire world". Australia had celebrated the first VE Day like many nations, with many Australians who were serving overseas joining in the celebrations in overseas nations.

Australia had entered the war in Europe on 3 September 1939 following the announcement by the then Prime Minister Robert Menzies. Australian service men and women were operational and actively served in the war until VE Day in 1945. Australians would serve over the skies in Britain, north-west Europe, the Atlantic and the Mediterranean. They would serve on land in North Africa, Greece and Crete and in the Middle East and at sea. They would also gain a particular reputation through their heroism delivering supplies to the Rats of Tobruk and in the evacuation of troops in Greece and Crete. This would also be the first time Australia would come under direct attack. The bombing of Darwin on 19 February 1942 was the first of almost 100 air raids over 24 months from Exmouth in the west to Townsville in the east. Some 10,000 Australians died in Europe, at least 10,000 more were wounded and 8,000 became prisoners of war. Between 1939 and 1945 nearly one million Australian men and women would serve in the war abroad, highlighting the impact of Australia's involvement in the Second World War.

When war broke out, nurses played a critical role in the support of Australian Defence Force to provide the medical care and attention in various theatres of war including Europe, the Middle East, Asia and the Pacific. The Australian Army Nursing Service, the Royal Australian Air Force Nursing Service and the Royal Australian Nursing Service would provide 5,000 nurses to support those wounded and injured in the course of war. Those brave women would selflessly volunteer to do their bit to provide support to those injured in hospitals and medical facilities. This was not without its risks and dangers, with the frequent risk of aircraft raids and bombings.

Various stories have emerged from brave women who were on the front lines risking their lives to provide critical aid to their patients who were at times significantly injured from gunfire and artillery. Such an example was Matron Kathleen Best, nicknamed KB, from New South Wales, who served at the Greek peninsula in April 1941. The nurses were confronted with German enemy air raids and significant hostile gunfire. She was tasked with ordering the evacuation of her nurses during this time as food and supplies were running low. However, due to limited transportation some women would have to stay with Matron Kathleen Best, risking their life and the possibility of being captured to support others. She wrote:

I told the Sisters what was to happen, and also made it clear to them that those who volunteered would stay behind with the hospital and that they would in all possibility be captured. I asked them to write on a slip of paper their names and either "stay" or "go" and hand them to me ...

Not one Sister wrote "go" on the paper.

All women heroically chose to stay and support those wounded rather than evacuate. It was left up of Matron Best to choose the 39 people who would stay. These women went on to risk their lives to support the troops still in Greece, despite the consistent air raids by opposing forces. To recognise themselves as non-combatants and medical personnel, they would wear red capes and white caps. These women would eventually be safely evacuated to Crete along with the original evacuees. Matron Best was awarded the Royal Red Cross for her bravery and selflessness. This is just one of the many stories of Australians who gave their time and their dedication to support others in the pursuit of freedom.

On the home front in Australia, women played a significant role in fuelling the war effort to ensure that ammunition, supplies and equipment were readily available for those on the European front. Women worked in munitions factories and created uniforms and equipment in war-generated industries. Women also worked in engineering-based industries and largely entered into agricultural jobs through the Women's Land Army in order to cover the shortfall in rural labour. Established in July 1942, this army had a highly significant role in supporting our nation that had to ration its supplies from May 1942 and in ensuring there were food and resources readily available for our troops.

Many of the stories of these women have been documented with the Australian War Memorial and New South Wales Anzac Memorial in Hyde Park. Recently the Anzac Memorial launched an exhibit called *1945: From Hot War to Cold War*. The exhibit will be on display from 17 March 2020 to 28 February 2021. It is in memory the last year of the Second World War, 75 years on. This includes a particular emphasis on the victory celebrations of Victory in Europe Day, Victory in the Pacific Day and Victory over Japan Day. The exhibit showcases the men and women from New South Wales who served in the theatres of war during the Second World War. The exhibit will be open to the public when COVID-19 restrictions are eased. This memorial is part of the Centenary Project that was initiated by the New South Wales Government together with the Trustees of the Anzac Memorial Building. The project has become a centrepiece of Sydney, serving to remind us of those from our State who have served and continue to serve.

I take this opportunity to highlight the positive impact of Legacy, which has continued to support the families of deceased Australian service men and women, including those who served during World War II and their families. The work of Legacy for over a century has been immense. Currently over 4,000 volunteers work in supporting 52,000 beneficiaries, including children and spouses of Defence Force personnel. VE Day 75 years on has been commemorated in a different ways. Whilst the spread of COVID-19 meant community celebrations were ceased, many chose to commemorate in their own way. People in Europe stood in their driveways, rooms and gardens at 3.00 p.m., as many of us stood in our driveways and lit candles on Anzac Day.

Whilst the celebrations may not have been as grand as the plans, the significance of VE Day has not been diminished 75 years on. The brave men and women who fought for the peace and freedom that we all enjoy will continue to be remembered and commemorated, even during these difficult times. As her Majesty the Queen of Australia said during her address, "The streets are not empty. They are filled with the love and the care that we have for each other." Let us all continue to remember those who serve and continue to serve in our defence and armed forces.

The Hon. TARA MORIARTY (17:58:45): On behalf of the Opposition I indicate our support for this motion. As the motion states, this year marks 75 years since the end of the Second World War. Around one million men and women served our country in that war and we our pay respect to their bravery and honour their legacy. Our service men and women served in battles throughout Europe, the Mediterranean, North Africa, South-East Asia and the Pacific. Sadly, more than 39,000 were killed in World War II and approximately 30,000 were taken prisoner. The mental scars and trauma suffered as a result of war are immeasurable. Whilst there are no fully accurate records of the extent of the damage and trauma caused by this war, the lifetime rates of mental disorders in the Australian Defence Force are considerably higher than in the Australian community, with over 54 per cent of ADF personnel experiencing mental health issues in their lifetime.

Perhaps the most memorable battle involving Australians was the Kokoda Trail campaign, which began in 1942 and lasted close to four months. Our soldiers fought courageously, braving the rough terrain and vicious battle, but we sadly lost 625 Australians, though the number of casualties due to sickness included 4,000 and more than 1,600 were wounded. Our soldiers sacrificed so much for our country, as did their families waiting at home. Not knowing how your partner, parent, child or sibling was and not knowing if they would come home, I cannot imagine the fear and worry felt by those at home and I pay my respects to those who lost their loved ones.

On 7 May 1945 the German High Command authorised the signing of an unconditional surrender on all fronts and finally the war in Europe was over. This surrender took effect in May 1945. On 14 August 1945 Japan accepted the Allied demand for unconditional surrender and then for Australia the Second World War was thankfully over. I would like to acknowledge the Australian World War II Victorian Cross recipients: Charles Groves Wright Anderson, Albert Chowne, Arthur Roden Cutler, Thomas Currie Derrick, John Hurst Edmonson, Hughie Edwards, John Alexander French, James Hannah Gordon, Percy Gratwick, Arthur Stanley Gurney, Richard Kelliher, Edward Kenna, William Henry Kibby, Bruce Steel Kingsbury, Jon Bernard Mackey, Rawdon Hume Middleton, William Ellis Newton, Frank John Patridge, Reginald Roy Rattey and Leslie Thomas Starcevic. I pay tribute to all of those who fought for our country and those who continue to serve in the Australian Defence Force. I commend the motion.

Reverend the Hon. FRED NILE (18:01:30): I contribute to the discussion on the motion moved by the Hon. Natasha Maclaren-Jones. In my contribution I will quote the address given by Queen Elizabeth II when she addressed the Commonwealth, not just the British nation. She spoke from Windsor Castle, where she has been isolating since March and her Majesty drew parallels between the wartime generation and those who are now facing the challenges of the COVID-19 pandemic. She spoke of her pride in the people's determination to overcome the pandemic. She was filmed in the white drawing-room at Windsor Castle, sitting at a desk bearing a photograph of her father, King George VI. In another touching nod to her father she wore a pair of diamond clip brooches that he gave to her for her eighteenth birthday. In her speech the Queen said:

I speak to you today at the same hour as my father did, exactly 75 years ago.

His message then was a salute to the men and women at home and abroad who had sacrificed so much in pursuit of what is rightly called a "great deliverance".

The war had been a total war; it had affected everyone, and no one was immune from its impact.

Whether it be the men and women called up to serve; families separated from each; or people asked to take up new roles and skills to support the war effort, all had a part to play.

At the start, the outlook seemed bleak, the end distant, the outcome uncertain.

But we kept faith that the cause was right—and this belief, as my father noted in his broadcast, carried us through.

Never give up, never despair—that was the message of VE Day. The Queen went on to say:

I vividly remember the jubilant scenes my sister and I witnessed with our parents and Winston Churchill from the balcony of Buckingham Palace.

The sense of joy in the crowds who gathered outside and across the country was profound, though while we celebrated the victory in Europe, we knew there would be further sacrifice.

It was not until August that fighting in the Far East ceased and the war finally ended.

Many people laid down their lives in that terrible conflict.

They fought so we could live in peace, at home and abroad.

They died so we could live as free people in a world of free nations.

They risked all so our families and neighbourhoods could be safe.

We should and will remember them.

As I now reflect on my father's words and the joyous celebrations, which some of us experienced first-hand, I am thankful for the strength and courage that the United Kingdom, the Commonwealth and all our allies displayed.

The wartime generation knew that the best way to honour those who did not come back from the war was to ensure that it didn't happen again.

The greatest tribute to their sacrifice is that countries who were once sworn enemies are now friends, working side by side for the peace, health and prosperity of us all.

The Queen concluded:

Today it may seem hard that we cannot mark this special anniversary as we would wish.

Instead we remember from our homes and our doorsteps.

But our streets are not empty; they are filled with the love and the care that we have for each other.

And when I look at our country today and see what we are willing to do to protect and support one another, I say with pride that we are still a nation those brave soldiers, sailors and airmen would recognise and admire.

I send my warmest good wishes to you all.

May God continue to bless Queen Elizabeth II as the Queen of Australia. Thank you.

Debate adjourned.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): I shall now leave the chair. The House will resume at 7.30 p.m.

Rulings

PUBLIC SECTOR WAGES

The PRESIDENT (19:32:01): Earlier this afternoon the Hon. Daniel Mookhey moved private members' business item No. 511. It read:

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 June 2019 in the possession, custody or control of the Premier, Department of Premier and Cabinet, the Treasurer, the Treasury or the Minister for Finance and Small Business:

- (a) any economic modelling on the impact of changes to public sector wages; 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.

The Leader of the Government took a point of order that the motion was out of order as, given the announcement by the Government of its intention to commence proceedings concerning public sector wages in the NSW Industrial Relations Commission, the papers sought now amounted to documents concerning the administration of justice and therefore were required to be ordered under Standing Order 53.

As members will recall, on 24 March 2020 I gave a detailed ruling in relation to the meaning of the words "administration of justice" in Standing Order 53. I referred to rulings by then President Burgmann in 2002 and 2004 concerning the meaning of "administration of justice" in Standing Order 53. I also referred to the decision of the High Court in *The Queen v Rogerson* [1992] 174 CLR 268. Each of those rulings—namely the 2002 and 2004 rulings of President Burgmann and my ruling of 24 March 2020—were primarily concerned whether police investigations form part of the "administration of justice". Today's point of order is the first occasion on which a President has been required to rule whether a matter of public policy that may have subsequently become the subject of proceedings in the Industrial Relations Commission falls within the "administration of justice".

I congratulate and thank honourable members for the quality of their thoughtful contributions to the debate on the point of order, which have been most helpful. At 7.15 p.m. this evening I also received a written submission from the Leader of the Government, which I understand was shared with the Hon. Daniel Mookhey. In giving my ruling, I will start at the point on which I concluded another detailed ruling concerning Standing Order 52, which was delivered by then Acting President the Hon. Trevor Khan on my behalf on 25 February 2020. He stated:

As outlined on page 38 of the 14th edition of *Odgers' Australian Senate Practice*, where there is any doubt as to the interpretation of a rule or order, the President, as the independent and impartial representative of this House, leans towards a ruling which preserves or strengthens the powers of the House and rights of all members rather than an interpretation that may weaken or lessen those powers and rights.

I will address two main issues in my ruling, namely, the question of whether the Industrial Relations Commission is involved in the "administration of justice" and, secondly, the purpose for which the documents sought were created. The question of the status of the Industrial Relations Commission is not entirely straightforward. In principle a tribunal, which is not a court in the strict sense, may be involved in "the course of justice" because that term "is inseparably bound up with the idea of a suit between parties, whether between Crown and subject or between subject and subject"—*The Queen v Rogerson* [1992] 174 CLR 304, per McHugh.

As the Hon. Anthony D'Adam raised during the debate in the House this afternoon, the functions and role of the NSW Industrial Relations Commission were the subject of a decision of the High Court in 2012. In *The Public Service Association & Professional Officers' Association Amalgamated of NSW v Director of Public Employment & Ors* [2012] HCA 58, the Full Bench of the High Court dismissed an appeal by the Public Service Association [PSA] which challenged the validity of section 146C of the Industrial Relations Act 1996. This section required the NSW Industrial Relations Commission to give effect to government policy in the conditions of employment of public sector employees.

One of the arguments made by the appellant was the close connection between the functions of the commission and the judicial functions of the Industrial Court to enforce orders of the commission. While a person could hold office as a judge of the Industrial Court and as a presidential member of the commission, the

judgements in the High Court made it clear that there was a distinction between the judicial functions of the Industrial Court in enforcing awards and the commission's arbitration functions, which it characterised as "non-judicial". In the same decision, however, Chief Justice French said:

There may be some "arbitral" functions which could also be classified as "judicial". The boundary between those classifications is not necessarily defined by a bright line.

I also note that in 2016 this House passed legislation transferring the remaining judicial functions of the Industrial Relations Commission, being the functions of the Industrial Court, to the Supreme Court of New South Wales. Fortunately, I do not believe I need to rule definitively on the status of the Industrial Relations Commission and its connection with the "administration of justice". That is because the documents sought in the motion of the Hon. Daniel Mookhey cannot in my view be said to concern the administration of justice. The Hon. Daniel Mookhey's motion seeks the production of documents created since 1 June 2019—documents which were no doubt brought into existence for the purpose of assisting in decision-making and the development of public policy of the New South Wales Government.

No submissions were made to me that persuade me to understand that the documents that are sought were created in contemplation of or for the purposes of proceedings in the Industrial Relations Commission. The only possible exception to that might be documents created this day or last night after the decision of this House to disallow the Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020. However, I do not believe the Hon. Daniel Mookhey is seeking documents created since the evening of 2 June 2020 or today but rather modelling prepared prior to the making of the Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020. That is a matter the Hon. Daniel Mookhey may like to clarify during the course of debate and perhaps even put beyond doubt by way of amendment to his motion. For the reasons stated, I am not prepared to rule the motion out of order. The Hon. Daniel Mookhey may proceed.

Documents

PUBLIC SECTOR WAGES

Production of Documents: Order

Debate resumed from an earlier hour.

The Hon. DANIEL MOOKHEY (19:39:59): With the House's indulgence, I thank you, Mr President, for your ruling and I thank the Government at least for the good spirit in which it has dealt with the powers residing with the House. I look forward to one day moving a motion under Standing Order 52 that does not trigger a dispute with the Government about the powers of the House. That is an ambition I have. Now that that has been resolved, it is within our power to seek these documents and I will explain why the House should agree. The reasons are far less interesting than the debate we have just had about the powers of the House.

This matter arises because the Government has set upon a new policy to, as we put it, cut the pay of 400,000 workers in New South Wales. In advancing the case for a pay cut for those 400,000 workers, the Government has said that it will create jobs and that it will have no deleterious effects on the economy that cannot otherwise be repaired through the stimulus program that it proposes. The problem with all of this is that the Government has never adduced any of the evidence that allows us or the public to interrogate that claim. In fact, it has gone to extreme lengths to avoid having to introduce that argument. Outside the course of the Parliament, the shadow Treasurer, the Leader of the Opposition in the other place, the Leader of the Opposition in this place and I have all issued public requests for that information to be released. That call has been joined by many in civil society, including the trade union movement. But equally it has been joined by many others in the media who also would like to interrogate the claim.

Amongst many other reasons why the House should use its powers, if the Government argues that 400,000 workers need to take a pay cut or make a sacrifice to enable economic recovery, those 400,000 workers are entitled to know why. Ideally the Government should have voluntarily released the information when it announced its policy. Ideally the Government should have released that information in a good faith bargaining process with the workers whose pay it is trying to cut. Instead, all we have seen from the Government is an edict followed by bizarre manoeuvres to stop the release of this information. Therefore it is incumbent upon the House to use its powers under Standing Order 52 to bring this information to light.

Members of the Parliamentary Accountability Committee [PAC] asked Treasury officials directly for this information. The Treasury officials were not prepared to be forthcoming and they had good reason at the time: effectively they are public servants and that this is government policy. They did confirm that three options were being modelled. The Secretary to the Treasury said to the PAC that three options were being modelled but he was not prepared to say what was being modelled and what those options were. This is not a reflection on the secretary

by any means but it is the case that he did not feel like he was able to disclose that in the Parliamentary Accountability Committee inquiry which was scrutinising the Government's response to COVID-19.

We know three other options were modelled. We do not know why the Government chose the option that it did. We do not know why the Government maintains that somehow cutting the pay of public servants and other workers can lead to jobs growth. It is incumbent upon the House to get the facts. We would like the modelling to be released and we look forward to seeing it. We look forward to the Government endorsing this motion under Standing Order 52. As the Minister said today in question time, if the Government sincerely believes cutting the pay of 400,000 workers will create 15,000 to 20,000 jobs—that is the number of jobs that the Government has promised will result from these pay cuts—then show us the modelling. It has nothing to hide.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (19:43:58): I also congratulate you, Mr President, on your succinctness and work on the decision that you made. I am never one to quibble with you. I accept the umpire's ruling. I entirely understand the Hon. Daniel Mookhey's rationale as to why he would want this documentation. The Government has obviously made its position clear that it will not oppose the motion under Standing Order 52 given your ruling, Mr President. I have made my arguments in debate on the point of order. I accept the ruling. The Government will not oppose the motion.

The Hon. DANIEL MOOKHEY (19:44:57): In reply: I thank the Government for the constructive attitude it has taken to the substance of the motion.

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

Motion agreed to.

PRINCIPAL BICYCLE NETWORK

Production of Documents: Order

Ms CATE FAEHRMANN: I move:

That private members' business item No. 528 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (19:46:15): I seek leave to amend private members' business item No. 528 outside the order of precedence for today of which I have given notice by omitting all words after "That" and inserting instead "under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution all communications, correspondence, reports and briefings in the possession, custody or control of Transport for NSW or the Minister for Transport and Roads, relating to the Principal Bicycle Network plan for Sydney, and 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."

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 all communications, correspondence, reports and briefings in the possession, custody or control of Transport for NSW or the Minister for Transport and Roads, relating to the Principal Bicycle Network plan for Sydney, and 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 Principal Bicycle Network is a plan developed in conjunction with all councils in the Greater Sydney area and Bicycle NSW to ensure that a network of safe, connected cycleways is built to connect people's journeys. Work on the plan began in November 2018 and as of late 2019 it appears that some councils had copies of the plan or at least bits of the plan that related to them and their communities. I say "it appears" because I have heard that Transport for NSW has not made the plan public and the key stakeholder, Bicycle NSW, has been told by various local councils that the plan is confidential and unable to be shared by them. I understand that this plan may be a live document subject to change and that costings may not have been completed. Again, this has not been made public.

At the moment stakeholders such as Bicycle NSW are currently being asked by the Government to nominate pop-up routes for COVID-safe travel. That is a fantastic initiative and something about which I wrote to the Minister just a few weeks ago. However, in order to nominate pop-up routes, it is crucial that the Principal Bicycle Network plan is made available to stakeholders so that any interim measures taken to meet COVID-safe travel requirements align with the plan and do not waste resources. I always support the Government's initiatives to come to members who have moved Standing Order 52 motions to see whether documents can be provided without unnecessarily wasting the resources of public servants. Today I was told that, if I wanted, I could receive a copy of the principal bike network plan instead of going down the path of a Standing Order 52 motion. The

document that I received was a one-page map called the "Draft Principal Bicycle Network". With roads that are unmarked, it is very difficult to determine what that is. Neither I nor the stakeholders I am moving this motion for are seeking that document.

This Standing Order 52 request calls for a plan that has been worked through with key stakeholders for 18 months that is critical to the creation of bicycle networks right across Sydney right now. We have pop-up bike lanes. We have a key stakeholder that is trying to work with government and local councils and is unable to see the document to which it has been contributing so much. To have been told by the transport Minister that I will get what I want and then be given an illegible map that is completely useless is a bit disrespectful of the information we are seeking from the Government.

We were just seeking one plan. We put in an Standing Order 52 request that was very defined, recognising that some requests have wasted the time of public servants. They have been very broad—I acknowledge that. My door is open. I am always very keen to speak with Ministers or advisers about Standing Order 52 requests to make sure we get the information that is absolutely necessary in terms of what we are seeking. I do not know what to call this—a slap in the face or a kick in the guts. But that is why I amended the motion before the House today. I think it is now very important that we also see the correspondence, the communication, the briefings and the reports, because there is a plan and the public need to know what it is.

We need to know that the experts in this city—the Government, local councils and bicycle advocates—are hopefully working together on a plan to make Sydney more bicycle friendly during the COVID-19 pandemic we are experiencing. The Government needs to be more transparent than it has been about the work it has done to date. It needs to work with the bicycle community and stakeholders and bring that information forward. From everything we have heard, the Government is extremely reluctant to do that. I urge members to support the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (19:53:36): The Government will not be opposing the motion.

The Hon. JOHN GRAHAM (19:53:44): I indicate that the Opposition will support the motion, particularly having heard that the Government is also supporting it. I commend Ms Cate Faehrmann for bringing it forward, given it is of real interest at this moment. I add that it is not only in the interests of the pop-up bike lanes. There has also been a call, which I think is a very interesting one, by the Committee for Sydney to essentially implement the long-term plan for cycling in Greater Sydney in the next three years—to do it as a stimulus package and strike now. If the Government is prepared to produce it—and it sounds like it is—it would be very helpful to that discussion. I commend the member but I also commend the Government for the approach it is taking.

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

Motion agreed to.

STRONGER COUNTRY COMMUNITIES FUND

Production of Documents: Order

The Hon. MARK BANASIAK: I move:

That private members' business item No. 496 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (19:56:34): I seek leave to amend private members' business item No. 496 outside the order of precedence for today of which I have given notice by inserting "and Department of Regional NSW" after "DPIE".

Leave granted.

The Hon. MARK BANASIAK: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the passing of this resolution the following documents in the possession, custody or control of the Department of Premier and Cabinet [DPC], the Premier, or the Department of Planning, Industry and Environment [DPIE] and Department of Regional NSW relating to the Stronger Country Communities Fund:

- (a) all correspondence regarding grant assessment and criteria from 1 July 2019 until 12 May 2020;
- (b) all correspondence with regional members of Parliament and their offices regarding the grant selection process from 1 July 2019 until 12 May 2020;
- (c) all correspondence with regional members of Parliament and their electorate offices regarding the announcing of successful applicants from 1 July 2019 until 12 May 2020;

- (d) all correspondence between Chris Hanger - DPIE, Gary Barnes - DPIE, Ashley Aubrey - DPC and other departmental staff relating to the list of successful applicants and distribution and communication of that list from 1 July 2019 until 12 May 2020;
- (e) all correspondence between Chris Hanger, Gary Barnes, Ashley Aubrey and local government and private individuals relating to successful projects from 1 September 2019 until 12 May 2020; 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.

Our regional and rural areas do not much receive much from this Government so funds like the Stronger Country Communities Fund are fundamental in enabling progress in rural and regional areas. But there always seems to be a catch: onerous amounts of paperwork to fill out, criteria that are impossible to meet and preordained outcomes, as we have seen in the media recently. The thing is that the money in the Stronger Country Communities Fund is not government money; it is taxpayers' money and it is money that belongs to the New South Wales communities.

The Government has an obligation to those communities to spend the funds correctly and to be transparent about how the cash is shared. When it does not uphold those fundamental values of due process and transparency we start asking questions because that is the job of members of this House. Today I demand that transparency through a call for papers because that is the only way we seem able to get this information. The reason we are digging into this particular fund is it has been used to pork-barrel electorates into voting for the Liberal-Nationals—although that is not surprising. With other grant schemes the Deputy Premier has come out and said there is ministerial discretion and that it is within the rules for him to intervene. But what is the point of due process if Ministers can blatantly flout it?

In the media the Deputy Premier has called himself "Pork Barilaro" and seemed to be proud of it. There is an application process and rules to be followed, which none of us—even the Government—are above. The Shooters, Fishers and Farmers Party have heard multiple stories about regional organisations desperately needing funds. A tremendous amount of work goes into preparing the applications. Those organisations all deserve grants; they should not have to fight tooth and nail to get those funds. When they miss out, we want to understand why and they want to understand why. There is a particular organisation in Broken Hill that applies annually for grants to fix its community centre that is the meeting ground for over 50 local associations. The organisation was told it met all the criteria but instead of getting the grant it got a "Sorry". Apparently there are "so many applications and not enough funding"—with no other details.

Members of the organisation said it took hours to prepare the application but they have been, in their words, "swatted away like a pesky fly" each year. These people are desperate and must continue to put themselves on the line, wasting valuable time each year in the hope they will get a grant to help rebuild their community. They will not though, it seems, because Broken Hill is now Shooters, Fishers and Farmers territory and this Government does not reward those who do not accept the status quo. The money in this fund is for the communities of New South Wales; it is not a Liberal-Nationals carrot to dangle in front of a horse. If this Government honoured the processes that are in place, it might find the departments and bureaucrats would be free to do their work, instead of responding to another call for transparency.

Mr DAVID SHOEBRIDGE (20:00:00): The Greens support this call for papers moved by the Hon. Mark Banasiak. We too have been trying to get to the bottom of the Stronger Country Communities Fund. At least in relation to this fund, unlike the Stronger Communities Fund which was a quarter-billion-dollar pork barrel that sent 80 per cent of its funds to councils wholly in Coalition electorates and only 2.5 per cent of its funds to councils wholly in Opposition electorates—quarter of a billion dollars in that fund with no transparency—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I invite the member to address the motion that is before the House and why this Standing Order 52 order for papers should be granted. I allowed the Hon. Mark Banasiak to make the remarks he made because he dealt with the fund that he was seeking the Standing Order 52 request on and that is quite proper. But we are dealing with a particular program and a particular Standing Order 52 request and I invite the member to address that.

Mr DAVID SHOEBRIDGE: For the Stronger Country Communities Fund we cannot find out from the website which councils did not succeed. We cannot find out from the website the total pool of funds. We cannot find out from the website who made the decisions about which council got funding and which council did not. We cannot find out whether it was a decision by the local government Minister, by the local member or by the Deputy Premier, who goes by a variety of different names including those put forward by the Hon. Mark Banasiak. We cannot find out who makes the decisions nor is there any overarching document available so we can identify where the money has gone overall. There is a scrolling list on the website, which seems designed to avoid this kind of overall scrutiny of the project.

When we are talking about millions of dollars or hundreds of millions of dollars of public money, when we have very closely related funding proposals from local governments—in that case the Stronger Communities Fund rather than the Stronger Country Communities Fund, which has been so obviously pork-barrelled—obviously we need scrutiny, particularly now when local councils are struggling for funds. One council puts in an application to try to get the toilets in its local park upgraded and funded but gets knocked back on its \$15,000 proposal. Another council, which seems to have strong political connections to the Government, gets \$3 million or \$4 million, with no transparency, to do a pet project. That is why we need the scrutiny and that is why we support this call for papers.

The Hon. SAM FARRAWAY (20:02:50): The Government opposes this motion but we will not call for a division on it. We oppose it because, frankly, it is unnecessary. The member's colleague in the other House Roy Butler, MP, has put in a Government Information (Public Access) Act [GIPAA] request for this information. In fact, it is nearly identical to what is being asked for in this motion. The GIPAA process is the appropriate process for these types of requests rather than the increasingly common practice of using this House for information requests of any kind and any size. Perhaps it would have been better for the Shooters, Fishers and Farmers Party in the upper House to speak to the Shooters in the lower House to coordinate before putting forward this motion.

In fact, most of the information relating to the Stronger Country Communities Fund is available online or for recent funding announcements will be available online as soon as they are announced. On the Regional Growth Fund website can be found a link to information on the Stronger Country Communities Fund. It is quite simple to navigate. If a person scrolls down, they will see an interactive map of the details of the projects right across this State. I am glad I have had an opportunity to talk about the Stronger Country Communities Fund because it is a great initiative. The Stronger Country Communities Fund—

The Hon. Shayne Mallard: Point of order: I reluctantly take this point of order but I am the only other Government member in the Chamber and I do not think it is fair that my colleague the Hon. Sam Farroway, during his very good contribution, is having to listen to regular interjections by the Hon. Robert Borsak. There were three interjections before I took this point of order. Mr Deputy President, I ask you to call the member to order, for the sake of decorum.

The Hon. Robert Borsak: To the point of order—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I will not hear the member on the point of order. The member will finish his very short contribution keeping to the points at issue, which is whether or not the Standing Order 52 request should be granted.

The Hon. SAM FARRAWAY: The Regional Growth Fund has invested in every single local electorate in regional New South Wales, without exception. Every project has merit and each one of them has relevant criteria to a community deserving support. Thanks to the Stronger Country Communities Fund, a regional infrastructure fund, every single local government area in regional New South Wales, despite what the member has said, has received money from this Government for projects like the basketball stadium at the Gulargambone Youth Centre, constructing the new Narrabri Pistol Club and a new amphitheatre and amenities at Griffith Community Garden. I would like members of this Chamber to point out which projects they would reject, which ones they think do not deserve funding. Under Labor the regions were forgotten for many years. We are not going to apologise for putting regional New South Wales front and centre.

The Hon. JOHN GRAHAM (20:06:00): The contribution of the Government member would be on much stronger ground had it not been for the response in the last week to questions raised about probity or the allocation of funding by the Deputy Premier and his asking people to call him Pork Barilaro. It was quite a remarkable response to some serious questioning of a different government fund and totally undermines any of the arguments put forward by this Government member. The Opposition supports this motion and I commend it to the House.

The Hon. MARK BANASIAK (20:07:05): In reply: I thank all the members who contributed to the discussion of this motion and noted their comments, particularly from the apprentice to the master John Barilaro, Mr Farroway. He has been running around in our electorates as the apprentice handing out cheques, without the knowledge of local members. He does not worry us; it is simply about showing a level of respect to local members. When a member visits the electorate of another member, the visiting member should show the sitting member courtesy and announce their presence along with involving the local member in the process. That is why we are calling for those papers.

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

Motion agreed to.

*Motions***WEST PENNANT HILLS IBM SITE**

Ms CATE FAEHRMANN: I move:

That private members' business item No. 512 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (20:09:14): I seek leave to amend private members' business item No. 512 outside the order of precedence for today of which I have given notice by omitting in paragraph 2 "adjacent forests on the IBM site into a national park" and inserting instead "remnant forest on the IBM site into a national park and retain the balance of the IBM/Mirvac land as an employment precinct."

Leave granted.

Ms CATE FAEHRMANN: Accordingly, I move:

- (1) That this House notes that:
 - (a) as part of its Planning System Acceleration Program in response to COVID-19, the Government has included Mirvac's controversial application to rezone the old IBM site at West Pennant Hills from Business to Residential and Environment to construct 600 new dwellings despite widespread community opposition;
 - (b) a report by Forestry Corporation on 18 October 2018 found that the site contained threatened species including the Powerful Owl, the Koala, the Swift Parrot and multiple microbat species;
 - (c) the development would see up to 2,000 native trees cleared including critically endangered Blue Gum High Forest and endangered Sydney Turpentine Ironbark Forest;
 - (d) the Hills district has already met its housing targets but lacks employment precincts like the current IBM site;
 - (e) the Hills Shire Council has already rejected Mirvac's application to rezone the site in November 2019 after receiving nearly 4,000 community submissions opposing the development and Hornsby Shire Council voted against the development in June 2019;
 - (f) demand for new dwellings in Sydney is forecast to decrease with population growth dropping by anywhere between 100,000 and 200,000 by 2025 as an impact of entry restrictions to control the spread of COVID-19; and
 - (g) Mirvac Limited earned \$7.6 billion total income but paid zero dollars tax over the four years up to 2019.
- (2) That this House calls on the Government to reject Mirvac's rezoning application and convert the Cumberland State Forest and remnant forest on the IBM site into a national park and retain the balance of the IBM/Mirvac land as an employment precinct.

Despite an outpouring of community opposition, the Government has fast-tracked the approval process for Mirvac's controversial residential development at the old IBM site at West Pennant Hills. Mirvac's rezoning application has been included as one of the 24 projects in the Government's Planning System Acceleration Program as part of the COVID-19 stimulus. The other 23 projects have already been rubberstamped. I call on all members in this place to support this motion and support the community in their fight against this totally inappropriate development.

In the 1960s IBM developed an award-winning office complex at 55 Coonara Avenue, West Pennant Hills. As part of the development IBM established a bush regeneration program, with 40,000 native plants planted. The site backs onto the Cumberland State Forest and is now home to a critically endangered blue gum high forest and an endangered Sydney turpentine ironbark forest. A report by Forestry Corporation on 18 October 2018—and I do not often quote Forestry Corporation reports as being a good thing—found that the site contained threatened species, including the powerful owl, the koala, the swift parrot and multiple microbat species.

In 2010 IBM sold the land to Mirvac but remained a tenant until late last year. Mirvac has applied to rezone the area for residential development. Originally Mirvac proposed 1,269 dwellings but later reduced its proposal to 600 dwellings after the initial proposal was rejected by Hills Shire Council. High-quality bushland would be rezoned as high-density residential development with no environmental protection for the site's critically endangered ecological communities. Mirvac would clear 4,000 native trees. How can we justify more environmental vandalism after a bushfire season that has burned so many of our forests and bushlands to a crisp and particularly when urban residential communities are so conscious of the benefits that mature trees bring to suburbs and streets? The justification for this site is paper thin.

The Hills district has already met its housing targets but lacks employment infrastructure. The IBM site, which was renovated in 2011, is capable of sustaining up to 3,000 local jobs and 1,700 vehicles on site. The Premier has said the Government's top priority is job creation. It makes little sense to destroy a local employment hub for 300 temporary construction jobs, especially when it is likely that demand for new dwellings will drop over the next few years due to a probable drop in population growth as a result of COVID-19. The site is

much-loved by the local community. When word got out of Mirvac's plan for ecological destruction, the Forest in Danger Coalition was formed. The coalition has fought relentlessly to preserve this ecological site. Last week I visited the community after my inbox was flooded with emails from concerned community members. I went out to the West Pennant Hills site expecting about six people to be there and talking down the possibility of a community protest because of physical distancing. In fact, 60 or 70 people turned out. The community has made it clear time and again that they reject this development.

The Hills Shire Council rejected the proposed rezoning after receiving nearly 4,000 community submissions opposing this development and objections from the neighbouring Hornsby Shire Council. I also note that Mirvac has earned \$7.6 billion over the past four years but has paid zero dollars in tax. Possibly the New South Wales Government should look at taxing its developer mates such as Mirvac as opposed to pushing another unwanted development onto the community. The communities of the Hills and Hornsby shires are passionate about protecting this precious site. They ask this Parliament to reject Mirvac's rezoning proposal and instead create a site with ongoing permanent jobs while also protecting the local bushland environment. They ask for the Cumberland State Forest to be declared a national park and for the adjacent critically endangered blue gum high forest on the site to be included in the national park site. They want to preserve this employment precinct for the community. I urge the House to support this motion.

The Hon. SCOTT FARLOW (20:15:06): On behalf of the Government I speak against the motion moved by Ms Cate Faehrmann on the Government's Planning System Acceleration Program. In April 2020 the Minister for Planning and Public Spaces announced the Planning System Acceleration Program to show how the New South Wales Government will cut red tape and fast-track planning processes to keep people in jobs and the construction industry moving throughout the COVID-19 crisis. The core program within the package is a fast-track process to clear the backlog of development applications and planning proposals so long as they meet the criteria for doing so. The Planning System Acceleration Program fast-tracks assessments and comes to a decision quickly on DAs and proposals to create jobs and economic development when the projects are at a point where they can be assessed quickly, are shovel-ready and have a public benefit.

The proposal to rezone the former IBM site at West Pennant Hills from business to residential uses, public recreation and environmental protection zones has been included in the Planning System Acceleration Program as it meets the criteria for the selection by being shovel-ready, creating jobs and providing public benefit. Should the site be rezoned, the proponent Mirvac has stated that the first development application for demolition will be lodged within two weeks and a master plan development application will be lodged within two months, depending on the details of the rezoning. The construction of the development has been estimated to generate 300 jobs in accordance with the job calculator applied to all development assessed against the acceleration criteria. Mirvac has agreed in principle to dedicate around nine hectares of the land to the State for conservation purposes. A detailed assessment of the proposal is currently being undertaken, including opportunities to protect the forested areas of the site where the blue gum high forest and Sydney turpentine ironbark forest critically endangered communities are present.

The assessment will include an examination of the issues raised during public exhibition, where the proposal generated more than 4,000 submissions. Extensive consultation has occurred between the assessment team and the Environment, Energy and Science Group of the Department of Planning, Industry and Environment about the protection of blue gum high forest and powerful owl nesting sites. It is important to note that the process is being accelerated, not changed. An accelerated process does not guarantee an approval. Accelerated projects will be assessed against the existing planning legislation and policies and as such will be subject to the same level of rigorous assessment and opportunity for consultation as at any other time. Some projects may be rejected. Instead of debating the merits of the proposal in the Chamber, let us allow the Department of Planning, Industry and Environment and the experts get on with the job of assessing the project.

The Hon. ADAM SEARLE (20:18:12): The Opposition does not support the motion in its current form. I move:

That the motion be amended as follows:

(1) Insert after paragraph (1) (g):

"(h) the failure of the New South Wales Government to provide adequate supporting social and physical infrastructure, noting that Cherrybrook and West Pennant Hills public schools are well over enrolment capacity, the Rouse Hill Hospital promised five years ago has not yet commenced and connecting roads remain severely congested in peak periods."

(2) Omit paragraph (2) and insert instead:

"(2) That this House calls on the Government to work with the local community and councils to determine the best use of the land."

The Opposition's perspective is slightly different to that of the previous speaker. Our chief criticism of this matter is that the Government is yet again fast-tracking the intensification of development without making sure that the supporting social and physical infrastructure is accompanying the growth in population. For example, Cherrybrook Public School has an enrolment capacity of 509 students, but has 903 actual students. West Pennant Hills Public School has an enrolment capacity of 532 students, but actually has 638 students. Cherrybrook Technology High School has an enrolment capacity of 1,460 students, but actually has over 2,000 students. The Rouse Hill hospital was promised in 2015 and again in 2019 by the Government. I think there is some money in the current budget to buy the land. The land may even have been identified. But five years on, no hospital has been constructed or even commenced. In the face of that, we think this is another example of intensification of development, probably in the wrong area, without providing the social and physical infrastructure that is needed to accompany growth.

I acknowledge that many residents have opposed this particular development application or rezoning because of the impact it will have on the forest that had been planted there by the previous owner, IBM. That is why I think the Government should work with councils and the local community to work this out. The Opposition thinks the two amendments that I have moved are sensible amendments that would better reflect the desire of the local community and a better approach to planning in Sydney. We will not rule out anything. We are not saying that politicians should dictate the outcome of the planning system, but we do think something has gone wrong here. The local community has objected to this proposal. The council has knocked it back repeatedly. There is clearly a big disengagement here and there is a worry that if a further intensification of development is permitted, there is not the proper supporting infrastructure. I commend both amendments to the House.

The Hon. MARK LATHAM (20:21:13): One Nation opposes both the motion and the amendments on the basis that this Chamber should not be the consent authority for a specific development proposal. The role of the Parliament is to set the rules for planning and development, and for the consent authorities and processes to unfold thereafter. I quite enjoyed my local government days. The Hon. Shayne Mallard made Liverpool an even better place years later. There is a lot to commend local government politics. If The Greens want to run for local government, we would certainly encourage them out of this Chamber to get down to their municipal issues such as this one at West Pennant Hills. The motion lists endangered species: the powerful owl, the koala, the swift parrot and multiple microbat species. I am worried about an endangered species in New South Wales: the employed human. "Employed humunus" is in big trouble with the collapse in economic growth and investment, and the rise in unemployment.

This project, with 600 new dwellings, has probably got thousands of jobs and the multiplier effect in the construction industry, which badly needs it in New South Wales. Are we really going to try to knock over a development at the beginning of a deep recession when we are not a consent authority and we are desperately after jobs? I think we can safely say that with Jim Betts at the helm of the planning department, it would have to be a very, very good development to get through. I reckon Jim would be inviting the powerful owl, the koala and the swift parrot onto the harmony council and probably the Rainbow Network, although I hazard a guess the swift parrot is in trouble for too many squawks at work. So if you get past Jim Betts, you have a gold-plated, fantastic development that must be 100 per cent good. The Greens can trust in Jimmy Betts and rest easy that all their concerns would be addressed by the proper consent authority.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:23:15): I feel compelled to make some contribution. I know the area of West Pennant Hills intimately. It forms part of the neighbourhood where I live and it was part of the adjourning electorate when I was a member of the Legislative Assembly. In fact, I attended numerous meetings relating to this site.

Mr David Shoebridge: I saw you there, Damien.

The Hon. DAMIEN TUDEHOPE: Mr David Shoebridge would have seen me there. I am surprised the Hon. Peter Primrose is not here to make a contribution. There can be no doubt there has been a long, long period of consultation in relation to the former IBM site. I have to say that there are others, whether on planning panels or in the planning department, who are experts in this matter. This House has no role to play in determining whether this is an appropriate development for that site.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I know what the President said about his tolerance for conversation in the House. It does not include expansive joking around at the back of the Chamber. I ask that some degree of normal practice be maintained.

The Hon. DAMIEN TUDEHOPE: It is always after dinner. I want to dispel some of the issues that were raised by the Leader of the Opposition, when moving his amendment, about the availability of public transport or the congestion that exists in that area. We are about to open the NorthConnex, which will take significant pressure off roads in the vicinity of this project. We have delivered Metro North West, which is adjacent to this project. To

suggest for one moment that the area is not serviced by public transport or infrastructure that the Government has delivered is just plain wrong. The Hon. Adam Searle then suggested that hospitals are a problem. He suggested that the failure to build Rouse Hill hospital impacts on this site.

Rouse Hill would be 20 kilometres away from this site. Westmead Hospital, Hornsby Hospital, the San at Wahroonga, the new hospital at Ryde, and the hospital at Macquarie Park all are closer and provide accessibility for this site. Looking at schools, the Hon. Adam Searle failed to mention the proximity of Mount St Benedict College. He also forgot Oakhill College. He also forgot Tangara School for Girls. He also forgot that it has a primary school. This area has a proliferation of schools. If ever an area was a great place to live because of the availability of medical services and schools, this is that area.

Mr DAVID SHOEBRIDGE (20:26:27): I support the motion moved by my colleague Ms Cate Faehrmann. As the Leader of the Government notes, I have been to more than one public meeting with the community at West Pennant Hills, who are close to unanimous—not entirely unanimous, but very close to unanimous—in rejecting this proposed development and standing up for the forest. At different times the councillors on the Hills Shire Council have been quite divided. Sometimes the Labor ward councillor votes against the proposal and some of the other Labor councillors vote for it. Sometimes one of the Liberal ward councillors votes against it; sometimes they vote for it.

The council has quite a patchy record of votes on the issue. But in the past 18 months or so a majority of the councillors have come together, rejected the proposal and reflected the views of the community. The Hon. Scott Farlow spoke about 4,000 submissions that were received by council and forgot to mention that 3,999 of them or thereabouts rejected and opposed the proposal. I have been to the site multiple times. I have taken The Greens bushwalking club there. I know Dominic Perrottet would like to come for a walk one day with The Greens bushwalking club.

The Hon. Damien Tudehope: I'll come. I walk through there every day.

Mr DAVID SHOEBRIDGE: I am happy to take you through to see that beautiful forest. It is not just what was replanted by IBM. Much of the forest on the site is existing remnant blue gum high forest—beautiful blue gum high forest and magical trees that the community is rallying round and wants protected. What has really pushed the community to the end of their tether at the moment is that council had rejected the proposal. It had gone through the Gateway process. Because of council's rejection and the committed position of the local community, even the Department of Planning put a variety of Gateway conditions on the proposal that needed to be satisfied by January this year. They were not satisfied and could not be satisfied reasonably by the developer by January this year, so their entire Gateway rezoning process fell over.

This project was done and dusted in January, but it has been pulled out. Despite being dead in January, it has been pulled out by this fast-track development process and given a whole new lease on life. Members here are saying, "We should have stuck with the process. We should have stuck with what the council did." But what has happened? The fast-track proposal has reinvigorated a dead project to try to put it back on the agenda, despite the council opposing it, despite the beautiful natural values on the site and despite the fact it has been assessed through the process to date and cannot proceed on its own merits. The only way it can get through is with a quick and dirty process under the cover of the pandemic. That is why the community is angry and that is why I support the motion.

The Hon. NATALIE WARD (20:29:32): The Government opposes the motion by Ms Cate Faehrmann in relation to the Government's Planning System Acceleration Program. In April 2020 the Government announced the Planning System Acceleration Program to show how the planning system can be used to keep people in jobs while still respecting the current public health orders across New South Wales. The program allows us to unlock jobs and ensure that vital planning and growth for the future of Sydney does not come to a standstill. The program accelerates projects that have already been submitted to councils and the department for consideration, or those that are already close to final determination. The aim is to get to the point of decision on a project more quickly. I will say it again: The aim is to get to the point of decision—yes or no—on a project more quickly.

The 24 projects identified in the first tranche of fast-tracked assessments will create over 10,000 new jobs during construction and, once complete, will inject \$7.7 billion into the State's economy. These projects will also deliver more than 4,400 new homes across Sydney and more than 330,000 square metres of new public space, parks and environmental conservation lands. Of the 24 projects in tranche one, 23 were approved, some with significant conditions, and one was refused. A second tranche of 24 projects was announced on 22 May. These projects have the potential to inject more than \$5.3 billion into the New South Wales economy. They will create 15,000 new jobs and provide 3,600 new homes.

The tranche includes the project that is the subject of this motion, and it is important to note the process is being accelerated, not changed. The usual planning rules and policies still apply, and all projects are being considered under the Environmental Planning and Assessment Act 1979. Where required, all projects in their respective tranches have been through a rigorous public exhibition process where the community has had its say. The Government is specifically looking to fast-track State significant projects—commercial projects that will drive employment as well as infrastructure projects that deliver public benefits such as schools, hospitals and rail upgrades. The department is also looking to accelerate the 12 State-led rezonings by using concurrent planning and rezoning processes.

Accelerated projects will be assessed against the existing planning legislation and policies and, as such, will be subject to the same level of rigorous assessment and opportunity for consultation as at any other time, including some that may be rejected. An accelerated process does not guarantee an approval. I will say it again: An accelerated process does not guarantee an approval. It just gets to a decision more quickly. To achieve all this, the Department of Planning, Industry and Environment, through Mr Jim Betts, is reallocating resources to these priority assessments and working on vital policies that will help support the program without compromising the planning system's integrity. I oppose the motion for those reasons.

Ms CATE FAEHRMANN (20:32:42): In reply: It is very good to hear that an accelerated planning process does not guarantee approval because the community has well and truly spoken on this and the community does not want it. The community, including local councils, has had its say in this debate and it does not want this. We know that some local members are also very uncomfortable with this because the community does not want it. I thank members in this Chamber for participating with such passion in debate on this motion. The Greens support the first of Labor's amendments in relation to the failure of the New South Wales Government to provide adequate support in social and physical infrastructure.

The Greens cannot support the second Labor amendment, which is essentially to delete the part of our motion that calls on the New South Wales Government to create a national park from the existing Cumberland State Forest and the balance of the remaining land, instead replacing it with, "That this House calls on the Government to work with the local community and councils to determine the best use of the land." Essentially the motion before the House is very clear and it reflects the community's desire for the House to call on the Government to reject the rezoning application. In relation to some of the contributions that members have made that there has been environmental conservation on the land and that some of it will be zoned environmental, my colleague Mr David Shoebridge mentioned this is critically endangered ecological community blue gum high forest. This is not just about Mirvac planting trees a couple of decades ago; this is irreplaceable forest and that is why it has been declared critically endangered.

I know that not many Government members would know this, but an ecological community is declared critically endangered because losing any bit of it means we are in danger of losing the entire ecosystem. That is why this place is on the threatened species list at the State level. In relation to jobs, the community wants an employment precinct there. That is the part of Labor's proposal that we would support in terms of working with the community on what it wants. The community has been very clear that it wants an employment precinct, it wants the rezoning rejected and it wants a national park. I urge the House to support the motion.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Ms Cate Faehrmann has moved a motion, to which the Hon. Adam Searle has moved two amendments. A request has been made that the questions on the amendments be put seriatim. The question is that the first amendment moved by the Hon. Adam Searle be agreed to.

Amendment negatived.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that the second amendment moved by the Hon. Adam Searle be agreed to.

Amendment negatived.

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

The House divided.

Ayes6
Noes31
Majority.....25

AYES

Boyd

Faehrmann (teller)

Field

AYES		
Hurst	Pearson	Shoebridge (teller)
NOES		
Banasiak	Borsak	Buttigieg
Cusack	D'Adam	Donnelly
Fang	Farlow	Farraway (teller)
Franklin	Harwin	Houssos
Jackson	Khan	Latham
Maclaren-Jones (teller)	Mallard	Martin
Mitchell	Mookhey	Moriarty
Moselmane	Nile	Primrose
Roberts	Searle	Sharpe
Taylor	Tudehope	Veitch
Ward		

Motion negatived.

Documents

COVID-19 AND RUBY PRINCESS

Production of Documents: Order

The Hon. ROBERT BORSAK: I move:

That private members' business item No. 487 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROBERT BORSAK (20:51:52): I seek leave to amend private members' business item No. 487 outside the order of precedence for today of which I have given notice as follows:

- (a) omitting "21 days of the date of the passing of this resolution" and inserting instead "21 days of the delivery of the final report of the Special Commission of Inquiry into the Ruby Princess"; and
- (b) inserting at the end:
 - "(2) That documents referred to in paragraphs 1 (a) and (b) include documents also provided to the Special Commission of Inquiry into the Ruby Princess."

Leave granted.

The Hon. ROBERT BORSAK: Accordingly, I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the delivery of the final report of the Special Commission of Inquiry into the Ruby Princess the following documents created on or since 1 March 2020 in the possession, custody or control of the Premier, the Office of the Premier, the Department of Premier and Cabinet, the Minister for Health and Medical Research, the Office of the Minister for Health and Medical Research, the NSW Ministry of Health, the Ambulance Service of NSW, the Minister for Transport and Roads, the Office of the Minister for Transport and Roads, Transport for NSW, the Port Authority of NSW, the Minister for Police and Emergency Services, the Office of the Minister for Police and Emergency Services, the Department of Communities and Justice or the NSW Police Force:
 - (a) the following documents relating to the arrival of the *Ruby Princess* in Sydney on or about 8 March 2020:
 - (i) all health, border security or biosecurity policies or protocols concerning infectious diseases which permitted the ship to dock and for passengers and crew to subsequently disembark;
 - (ii) all documents relating to communications to or from the ship concerning the health of passengers and crew;
 - (iii) all documents regarding the assessment of the ship as presenting a "medium risk" in relation to health issues;
 - (iv) all documents relating to communications with any Commonwealth agency, including the Australian Border Force, in relation to health issues or any other issue affecting disembarkation;
 - (v) all documents permitting passengers or crew to disembark;
 - (b) the following documents relating to the arrival of the *Ruby Princess* in Sydney on or about 19 March 2020:
 - (i) all health, border security or biosecurity policies or protocols concerning infectious diseases which permitted the ship to dock and for passengers and crew to subsequently disembark;

- (ii) all documents relating to communications to or from the ship concerning the health of passengers and crew;
 - (iii) all documents regarding the assessment of the ship as presenting a "low risk" in relation to health issues;
 - (iv) all documents relating to communications with any Commonwealth agency, including the Australian Border Force, in relation to health issues or any other issue affecting disembarkation;
 - (v) all documents relating to communication with or from the Port Authority of NSW or the Ambulance Service of NSW in relation to health issues or any other issue affecting disembarkation;
 - (vi) all documents permitting passengers and crew to disembark;
 - (vii) all documents relating to communications with or from any New South Wales minister or their office relating to the disembarking of passengers or crew, either at the time it occurred or subsequently;
 - (viii) all documents relating to communications with Aspen Medical concerning the decision to permit or the circumstances which permitted the ship to dock and for passengers and crew to subsequently disembark, or the assessment of the ship as presenting a "low risk" in relation to health issues;
 - (ix) health, border security or biosecurity policies or protocols concerning infectious diseases for ships of the class of the *Ruby Princess* arriving in Sydney, including the development, amendment, supplementation or review of such policies or protocols; 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.
- (2) That documents referred to in paragraphs 1 (a) and (b) include documents also provided to the Special Commission of Inquiry into the *Ruby Princess*.

This call for papers relates to the arrival of the *Ruby Princess* on 8 March this year. I make clear to this House that when I gave notice of this Standing Order 52 motion on 12 May it was not my intention to interfere in any way with the Special Commission of Inquiry into the *Ruby Princess* that is currently underway and led by Mr Bret Walker, SC. For that reason, I have amended the call for papers to ensure the documents will be requested 21 days after the delivery of the final report of the Special Commission of Inquiry into the *Ruby Princess*. This call for papers will include documents also provided to the Special Commission of Inquiry into the *Ruby Princess*.

As we are all aware, the *Ruby Princess* arrived in Sydney with 158 people on board who were already sick. Thirteen had temperatures, yet only nine were screened for COVID-19 and they returned negative results. Based on those figures, NSW Health classified the ship as medium risk. The medium risk classification then opened the gate for 2,700 passengers on board to leave, along with 1,000 crew members. As the cruise progressed on its way to New Zealand those who had contracted coronavirus began to show symptoms. The ship, due to severe weather warnings, turned back to Sydney and arrived on 19 March. Crew members and medical staff alerted the necessary departments that they had passengers presenting with COVID-19-like symptoms. The ship reported 104 acute respiratory infections, of which 36 presented with flu-like symptoms. The risk assessment process recognised that there were no risks. NSW Health considered them low risk and they were allowed to disembark.

What is of particular concern is that passengers were then told to go home by whatever means they would like—public transport, taxis, flights—and then self-isolate for 14 days. Someone knew there was a risk. As of this morning, the *Ruby Princess* has been linked to 22 deaths and hundreds of coronavirus infections. The consequences of those bad decisions are dire and irreversible. It is of the utmost importance that we find out how this occurred. There is a distinct lack of responsibility being taken by any department that had jurisdiction over disembarkation of the ship—just a bunch of departments pointing the finger. This is not good enough. Allowing passengers to disembark without due diligence and screening is negligent at best, and I hope that this call for papers will shed light on this whole reprehensible fiasco.

The Hon. ADAM SEARLE (20:55:17): The Opposition will be supporting the motion as amended. I do not think it is a matter of great secrecy. When the Public Accountability Committee was looking into the Government's handling of COVID-19 it was very conscious of there being a special commission of inquiry conducted by Bret Walker, SC, and took the prudent course of seeking a briefing from the special commissioner to make sure the two inquiries could fulfil their separate and legitimate charters without getting in each other's way. I know, speaking for myself—and I am sure for other members of the inquiry—that we were greatly concerned not to in any way prejudice or impede the special commissioner's inquiry, but nevertheless retain a deep and abiding interest in the matters that will ultimately be contained in his report. The changes to the standing orders and the documents being sought push out the time frame so there is no question or possibility of interference, actual or perceived.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:56:48): I echo the reflections made by the Leader of the Opposition and I welcome the amendments made. The motion was almost incapable of support if the special commission of inquiry had been continuing. A significant number of the documents that are potentially subject to Standing Order 52 will properly be with the special commission of

inquiry. The amendment that has been agreed to makes the standing order application more palatable to the Government. We will not oppose it.

Mr DAVID SHOEBRIDGE (20:57:37): The Greens support the amended Standing Order 52 motion and appreciate the respectful dialogue that has occurred between the Hon. Robert Borsak and, through the Clerks, the commissioner. That dialogue has been usefully progressed in the Public Accountability Committee to ensure that there is a respectful relationship to allow the commissioner to go about his business in his usual forthright way, with the House doing its job of oversight through the Standing Order 52 process and the Public Accountability Committee doing its job overseeing the Government's response. It is a well-measured and considered motion, and for that reason we will support it.

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

Motion agreed to.

STRONGER COMMUNITIES FUND

Production of Documents: Order

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 520 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (20:59:15): 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 Department of Planning, Industry and Environment or the Minister for Local Government relating to funding grants allocated under the Stronger Communities Fund:

- (a) all documents concerning the assessment and approval process for determining funding allocations, including records of who was responsible for final approval;
- (b) all documents concerning the preparation of responses to questions taken on notice and supplementary questions about the Stronger Communities Fund lodged during the Budget Estimates 2019-2020 Portfolio Committee No. 7 - Planning and Environment inquiry into the portfolio of Local Government; 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.

For the benefit of members, this is about the Stronger Communities Fund not the Stronger Country Communities Fund. The Stronger Communities Fund was a fund for which you can find almost no records on any government website—definitely nothing on the Local Government NSW website—and yet under the Stronger Communities Fund more than \$250 million was distributed to councils around New South Wales, most of it in the lead-up to the last State election. We still do not know which Minister made the basic determinations about where the money went. Was it the Minister for Local Government? Was it the Deputy Premier who has called himself "Pork Barilaro"? Was it the Premier?

We do not know who made the allocation of \$250 million. We do not know which councils made applications for the funds and did not get it. But we do know a couple of things about it because we have insisted upon getting the documents through the budget estimates process. We know that of the \$250 million, 80 per cent or \$200 million was granted to councils that are entirely in Coalition electorates, and less than 2.5 per cent or \$5 million was given to councils wholly in Opposition electorates. The balance was in councils spread across the two. How do we know that? Not because any of that information is available on a public website but because we had to trawl through the documents that were given to us as poorly copied PDFs as a result of the budget estimates process.

One of the critical questions we wanted to know was which Minister was making the decisions? Which Minister took the recommendations to Cabinet? Which Minister was signing off, saying this one is in and that one is out? In budget estimates we asked Tim Hurst from the NSW Office of Local Government who made the decision if it was not him, because he kept saying it was all made under guidelines. We said, "Who made the decision, if not you? You say you were just administering a decision from another place, who made the decision about which councils were and which councils were not eligible?" He said, "I am sorry, I will take that on notice."

The answer we got was, "NSW Office of Local Government allocated funds based on The Stronger Communities Fund grants guidelines approved by the former Minister for Local Government in 2018." So we know the guidelines were approved by the Minister but we do not know who made the decisions about the allocations. We want to know who actually made the decision that this one is in and that one is out? We had a further process, asking for further clarification and the answer we eventually got back was that the decision was made by Cabinet. We do not still know who made the recommendation to Cabinet. Who said this council is in and

that council is out? Who decided that one council in New South Wales should get \$90 million out of this \$250 million fund? Who decided that council should get \$90 million and another council that was eligible—which did not even know about the application process from what we understand—did not put in an application?

How does one council get \$90 million and Canterbury-Bankstown Council, which has a very large population and is in desperate need for infrastructure, not even know about the process so it did not put in application in? Which council got \$90 million? The council whose mayor is the president of the NSW Liberal Party: Hornsby Shire Council. It got \$90 million. Meanwhile other poor regional councils, which had no idea this sort of money was available, are putting together proposals of \$15,000 for upgrading a toilet and \$25,000 for upgrading the local park, while another council, which knows there is a rails run for countless amounts of government money, puts in an application for \$90 million and it gets approved.

It is clear from the material that was distributed to councils that there was meant to be a maximum of \$15 million. Yet some well-connected Coalition councils, not just Hornsby, such as Dubbo Regional Council—or Dubbington as it is called—got more than \$20 million and the Northern Beaches Council got about \$23 million, while other councils are asking to get a little playground renovated. We want to know who made the decision. The reason we are so frustrated about this is because we keep asking these questions in budget estimates—going through the process we are told to go through—and we get driven around in circles with these non-answers. Tell us the Minister who made the recommendations. Tell us the Minister who decided they are in and they are out and took it to Cabinet. That is why we want the documents produced.

The Hon. NATASHA MACLAREN-JONES (21:04:35): I move:

That the motion be amended by omitting "seven days" and inserting instead "14 days".

The Hon. CATHERINE CUSACK (21:05:01): The Stronger Communities Fund has provided more than \$468 million to local councils to kickstart the delivery of much-needed infrastructure for local communities. The New South Wales Government stands by the merits of the program. I challenge anyone to find a single project that did not deserve to be funded because all of them delivered benefits to local communities. This popular program has delivered so much good. It is crazy to be attacking it. Projects have included parklands, surf upgrades, water infrastructure in drought-affected areas, roadworks, sporting and recreational facilities, tourism and environmental projects, youth facilities and town centre upgrades. The New South Wales Government makes no apology for helping our councils improve the lifestyle and amenities of local communities across the State. Many of the councils that receive funding were regional councils that have since been impacted by bushfires, drought and COVID-19.

Mr David Shoebridge: Like Hornsby.

The Hon. CATHERINE CUSACK: Councils did not have to be merged to be impacted by the merger process. Being the subject of a merger proposal, even though they were not subsequently merged, impacted some councils and their communities in ways such as legal costs and boundary changes. The funding was paid in tranches over a four-year period. Eligibility and guidelines differed, providing flexibility for the fund to meet the changing need of councils and communities. The majority of funding was distributed to councils based on a formula with councils themselves determining where the money was spent at a local level, in consultation with local communities. Having paid out more than \$468 million to local councils and their communities since 2016, the fund has been exhausted and is now closed. The Stronger Communities Fund was just one in a wide range of funding programs offered by the State Government to councils across the State. Ministers also provided Mr Shoebridge with all funding agreements as requested during the budget estimates hearings in 2019-20 into the portfolio of Local Government. We formally oppose this motion on the grounds that all documents requested have been provided but we will not divide.

The Hon. ADAM SEARLE (21:07:59): The Opposition supports the call for papers for the reasons outlined by Mr David Shoebridge and nothing we have heard from the Government has persuaded us to the contrary.

Mr DAVID SHOEBRIDGE (21:08:11): In reply: I am grateful to the Parliamentary Secretary for reading some of that material out because after we got the documents provided to us in budget estimates we expressly asked, "Is this the sum total of the documents?" "Is this the sum total of the councils?" And in answer, on record, we were told yes. The funding documents given to us, from the list provided by the Government and which were contained in two tranches under answers in budget estimates, came to a total of \$250 million. We have checked and double checked that figure. We now hear from the Parliamentary Secretary that the total expenditure under this fund was \$468 million.

The first thing we will be looking to is where the missing \$218 million is and where the funding agreements for that additional money are. We are still waiting to find out—and we did not get it from the Parliamentary

Secretary—the name of the Minister who made the determinations and took it to Cabinet. The Government should show us the whiteboard and whatever decision-making matrix—if it has got it—that gave one council naught dollars and another council, whose mayor is the President of the NSW Liberal Party, \$90 million, a figure that was never publicly disclosed as being attributable to this fund.

The people of New South Wales expect rigour and integrity in the delivery of taxpayers' money. We do not oppose the Government's amendment about extending the time frame to 14 days, but one can understand why we might, given how frustrated we are that the usual processes of this place for getting such information on the record without Standing Order 52, which is what budget estimates is intended for, have been frustrated. We will reluctantly agree to the 14-day time frame. Although, to be clear, we would not be here if the Government were transparent about this stuff in the first place and if it had respected the budget estimates process and given us the answers that we, as representatives of the people of New South Wales, are entitled to.

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

Amendment agreed to.

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

Motion as amended agreed to.

Bills

PETROLEUM (ONSHORE) AMENDMENT (COAL SEAM GAS MORATORIUM) BILL 2019

Second Reading Debate

Debate resumed from 22 August 2019.

Ms ABIGAIL BOYD (21:11:59): On behalf of The Greens, I support the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019 and its intentions. It should have had Parliament's full support in 2011 when The Greens first introduced a similar bill and again in the last term of Parliament when The Greens and Labor introduced very similar versions of the bill. It would have saved a lot of destruction and community concern and, while it was at it, it could have saved Santos some money and bad press. New South Wales does not need—and its people do not want—this industry. The bill could not have come at a better time. Not wanting to let a good crisis go to waste, the Federal Coalition Government is calling for a "gas-led recovery". The director of the gas company Strike Energy is heading up the National COVID-19 Coordination Commission, along with a grab bag of mining industry mates, and the New South Wales Government has approved expansion of a coalmine under Sydney's drinking water catchment—disaster capitalism at its very best.

The recent upper House inquiry into the implementation of the recommendations contained in the NSW Chief Scientist & Engineer's *Independent Review of Coal Seam Gas Activities in New South Wales* was scathing. The industry and this Government are not meeting community expectations and the Government has not met the chief scientist's recommendations made in 2014. What is it waiting for? The Government has built support for the industry on a series of falsehoods. First, gas is not a transition fuel. International investors are making that clear. An expanding gas policy risks leaving gas as a stranded asset, with New South Wales left to clean up the environmental and social mess, as we are with coal-fired power. There is a growing body of evidence, led by Harvard University, that fugitive methane emissions from gas extraction make it worse than coal. It is nobody's clean energy panacea.

Industry and governments must accept the science and use existing fossil fuel energy to power a rapid transition to renewables because what we have left is far too important to waste on boiling the kettle. Secondly, domestic gas prices are not high because of a lack of supply but because of the east coast gas markets linked to the international liquefied natural gas market price. Thirdly, gas is not beneficial for landholders. The recent inquiry into the implementation of the chief scientist's recommendations found that the risks are so high that landholders are unable to access insurance and are, therefore, left to bear the risk posed by coal seam gas activities entirely by themselves. Fourthly, gas is not an economic win for New South Wales. The State Government has failed to introduce a cost recovery framework for regulation of the coal seam gas industry. The upper House inquiry states:

... close to \$3.75 million is being paid each year by taxpayers to ... subsidise the CSG industry. Since the Chief Scientist's report was delivered, this amounts to nearly \$20 million dollars of taxpayers money.

The committee also noted that Santos has not paid any royalties on its commercial gas extraction in New South Wales—not one cent. Instead, it has taken a resource from the people of New South Wales and given the resulting profits to its international shareholders.

Finally, environmental safeguards are not in place for the industry. Evidence presented to the upper House inquiry shows a lack of background data, poor capacity to collect, store and compare risk data, and no capacity to assess or account for cumulative risk. In supporting the bill, The Greens note, in particular, one of its provisions. It is vital that public interest is reintroduced as one of the grounds for decision-making, but its removal in 2014 is indicative of the special treatment that the fossil fuel industry has enjoyed in New South Wales for far too long. Objections to the public interest provision were based on the industry's need for certainty, but it is the people of this State who need certainty, not cashed-up mining executives and major party donors. We want certainty that our governments will act in the best interests of our health, food supplies and water, and will take action on climate change so that the summer of 2019-20 is not the new normal. We fully commend the bill to the House.

The Hon. MARK LATHAM (21:16:21): One Nation opposes the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019 as it is a reflection of economic madness. It is a king hit to the New South Wales economy and it is quite disgraceful that on a day when it was announced in the national accounts that the New South Wales economy has gone into a deep recession, the Parliament is being asked to ban an entire industry that not only generates jobs but also has the potential to power up manufacturing and other important retail and hospitality industries that provide much-needed jobs. Who would do that? Who, having argued environmental points during the second reading debate in August last year in a growth economy, would bring it forward today of all days to give this king hit to the New South Wales economy?

The contrast between us and Western Australia, a resource growth economy, is stark. Today New South Wales had a 1.5 per cent collapse in State final demand; in Western Australia, it has grown by 0.9 per cent. The resource industry is resilient and can be the backbone of an economy. Western Australia has done that well. Why has New South Wales gone out of the way to ban uranium mining, nuclear power and gas? The legislation proposes a double ban on coal seam gas. Perhaps the best second reading speech was on the front page of *The Daily Telegraph* today, which read:

The Australian Workers Union has ripped into NSW Labor leader Jodi McKay for "selling out its blue-collar base" as Coalition ministers turn on themselves over energy policy.

That is at the back end of the story and one poor Minister gets chucked under the electric bus. The narrative about the Labor Party goes on:

"Factories in NSW are buckling and folding under high energy prices," AWU national secretary Daniel Walton said.

I say how good is Daniel Walton, representing the Australian Workers' Union—the foundation trade union of the Australian Labor Party—to say that jobs, dignity of labour, the importance of growth and the importance of families having something on the table comes ahead of banning an entire industry and a concern about the environment? He has the right priority. Labor badly needs him in this place to ensure that the Leura Left and "Anti-Jobs" Jodi are dispensed with and Labor gets back to the basics of economic growth and providing jobs. One of the proudest boasts you can have in a working-class community is, "I am a working person." They used to say, "I am a working man" but these days we say "a working person", with the rightful, very good diversification of employment in Australia.

It is a proud boast. It is the dignity of work. It is the feeling of striving hard and putting something forward for your children, wanting to leave something better for the future: You have a job, you are proud of that, you are a working person. Why would Labor and The Green coalition want to ban an entire industry on this day of all days when the economy is in such a sick state? Members should read the statistics. If the Labor Party has not seen the national accounts, it should have a good look at them. Tragically we are leading the nation into deep recession. As we know, it will be worse in the June quarter. *The Daily Telegraph* article continued with National Secretary Walton saying:

I cannot believe we are seeing NSW Labor prioritising the made-up worries of a noisy minority over the very real employment of manufacturing workers.

What happened to the Labor Party that would say, "We want to make things in Australia. We want manufacturing, we want industry," not just high-tech jobs and people who had to go to university to get them, but blue-collar work in manufacturing, some of it advanced, some of it semi-skilled, but all of it employment in an economy where jobs are going out the back door? What is the noisy minority? It is The Greens. Unfortunately Labor policy here and the massive brawl Labor had at its caucus meeting is because the green tinge of the Labor Party had the numbers over the working people who want to give priority to jobs—the Walton faction, if I can give it that label. The article continues:

Both the AWU and Ms McKay are from the same right faction but Mr Walton said that by backing independent Justin Field's upper house bill calling for a moratorium on coal seam gas development she was pandering to "irrational soft Greens."

Soft or hard, not a single Green is in favour of jobs. That is the problem with the bill. The article continues: "Modelling shows the Narrabri gas project would cut the average \$1,000 household electricity bill by more than \$200." What a saving! What is wrong with working families saving on their power bill? What is wrong with working families thinking, "Well, at last we are developing a resource industry in New South Wales. We are taking the Western Australian model, we are going to try to grow our way out of this deep recession. With the benefit of lower bills for households and industry, we can provide jobs."

Ms Abigail Boyd: Stop exporting gas.

The Hon. MARK LATHAM: It is all right for gentrified people with a well-paid job to sneer about these things and to think that the environment is the main concern. The bill is not only about banning coal seam gas. It is going to 100 per cent renewables. Let us be honest about it. The agenda here is pretty plain: It is 100 per cent renewables. The article goes on to say:

Labor voters in blue-collar areas want two things above all else: jobs and bill relief.

Again, how good is Daniel Walton from the AWU? Jobs and bill relief—they should be the first priorities. People who have grand theories and ideas about the environment should resurrect those when the economy can handle it.

Ms Abigail Boyd: Why do you hate renewables? Why do you hate manufacturing jobs?

The Hon. MARK LATHAM: The member who is interjecting was trying to lecture the House earlier today about economic inequality. She is the master of economic inequality by putting working people out of a job, not wanting a resource industry, not wanting bill relief, not wanting manufacturing. She should be utterly shamed of herself.

The Hon. Mark Pearson: Point of order: The Hon. Mark Latham is being completely inappropriate and not adhering to the parliamentary principle of respect. I ask that you direct the member to apologise to Ms Abigail Boyd.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I will not do that. I make the observation that if Ms Abigail Boyd were in court she would show a capacity for restraint.

Ms Abigail Boyd: I have never been in court.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): You must try it one day. The member should restrain herself and not interject. I am certain that if she does that the Hon. Mark Latham—who has far more experience than the rest of us—will direct his attention to me rather than to her.

The Hon. MARK LATHAM: I am always happy to do that. The point I was making was articulated by Daniel Walton when he said, "Affordable gas means cheaper electricity bills and that is a fact." *The Daily Telegraph* article continues:

But in the Labor Party room yesterday, Bankstown MP—
out there in a working area in western Sydney—

Tania Mihailuk told [the Labor Party leader] she was "committing political suicide" by supporting the bill.

The sad thing is it is economic suicide in New South Wales. People can have their politics but, more importantly, the economic impact is horrendous. For those who want to talk about inequality and social justice, the foundation stone is always jobs, it is always employment. That is where you get the decency of greater equality and opportunity in a society. Try growing up in a family on a public housing estate where both the grandfather and the father were unemployed. I know of kids who, when asked by a counsellor at their school, "What are you going to do in life?" say, "I will do what my grandfather and father did. I will be on the dole too." That is not the sort of society we want.

A person with a green agenda can have every good intention, but the foundation stone of social justice must always be jobs and never to have suburbs devoid of working role models where a young person looks down their street and all they see is mass unemployment and nobody has a job. That sets the wrong example, the wrong model, and is socially destructive. We should all be fighting against ingrained intergenerational poverty—kids who grow up in a household, a neighbourhood, where they have no chance. We cannot deny to young people around New South Wales all the chances we have had in life and take for granted, with our well-paid positions. That is the whole point of having a pro-jobs agenda.

I urge the mover of the bill, Mr Justin Field, to reconsider what he is doing because in a rich irony, an act of folly, wiping out the gas industry in New South Wales and the Santos project, in particular, is against the agenda

these people otherwise have. We need the gas peaking plants. The big news is when the sun is not shining you cannot have solar power. When the wind is not blowing you have no wind power. The plan that many people have, including the New South Wales Minister for Energy and Environment, is gas peaking. Gas peaking plants can be turned on quickly in a time of need to fill the gap left by the renewables on a still night, for example. So gas peaking must be part of the plan. We cannot simply close down an economy. It is an act of folly to wipe out the gas industry in New South Wales.

Looking further into the policies of the energy Minister, the \$2 billion fund that he has with the Commonwealth, with that long list of renewable energy projects, is underpinned by the Commonwealth saying: If New South Wales has a gas industry, in Santos effectively, then the \$2 billion is there to fund all the renewable projects that The Greens and the Labor Party would otherwise support. Why cut off your nose to spite your face? If people believe in renewables, they need the gas peaking, they need the \$2 billion that is being invested for that part of the energy sector. Why undercut that whole agenda by wiping out gas with this proposed moratorium legislation?

The truth is it is an international embarrassment for New South Wales that we are only 5 per cent self-sufficient in gas. We know it is in the ground. Fancy being 5 per cent self-sufficient in gas when it can be such an important industry for powering up manufacturing and hospitality, cutting the bills and ensuring that we have a pro-jobs agenda. The 1,500 jobs created by the Santos development would multiply into many thousands of jobs in that community in western New South Wales, so they are also critically important. I have seen the impact of this in my community of Camden. We had a thriving coal seam gas industry in south-west Sydney. I knew people who had jobs and income from it. One day AGL simply packed up and left. The coal seam gas industry did no environmental damage in Camden. AGL packed up and left, and the Baird Government banned the industry.

Today members are being asked to support a second ban. The first one made no sense in my community and the second one is even worse. The Labor Party should listen to Daniel Walton. It should understand that if Labor's policy is to ban gas, nuclear and coal, all that is left are renewables. Sensible people in the Labor party think that will simply reduce us to a lifestyle economy with no manufacturing—that New South Wales will not be making anything internationally competitive. To rely on renewables, members must at least acknowledge the need for gas peaking plants, a high level of self-sufficiency for gas in New South Wales and the need for Commonwealth money for the investment agenda upon which Minister Kean has embarked.

The other point is that Labor must rethink where the jobs come from. In the modern world, this tough, global economy in which we compete, the reality is we can compete in one of two ways. We can compete on wages by driving down that cost to business. That is not the Australian way and it has never been Labor's way. I am sure it is not the way of The Greens. It is unthinkable that we would compete against Asia on the basis of wage rates. It is not going to happen. The second big area of competition is energy prices. Lower energy prices would give us half a chance to have manufacturing, jobs and growth. The truth is New South Wales should be a global energy superpower. We should have flourishing gas, coal, nuclear and renewables. We should have so much energy supply that it drives down prices and gives our workers and our businesses a fair-dinkum chance to be competitive on international markets.

Given that we are not competing on wages and, under this bill, we cannot compete on energy prices, Labor must do what we should do. We are left stranded with mass unemployment on a day of recession in New South Wales. No wonder Walton is calling it out. No wonder sensible people in the caucus know that it is lunacy. They must rethink this. The only comfort they have is that if any member is so anti-jobs that they would be voting for the bill and it does pass this Chamber, it will never pass in the other place. That is the only safeguard New South Wales has from this economic vandalism on a dreadful day for the State when we have gone into a deep recession.

Members need to acknowledge these things. They need to understand what is really going on here. Even those who want 100 per cent renewables are fouling their own nest by not having gas peaking plant capacity, by not supporting Santos and breaking, effectively—wanting to break—the Commonwealth deal that provides \$2 billion in funding for renewable expansion in New South Wales. It really is an economic suicide note penned by Anti-Jobs Jodi and the people who supported her in the caucus. I know the author is Mr Justin Field. He has believed in this for quite some time. You can believe in things in politics, but the circumstances have changed on such a dreadful day for New South Wales. If he believed in a fair go for workers and doing something about unemployment he would pull this legislation and we would all get back to turning our great State into the potential it holds to be a global energy superpower.

Take the Western Australia model: we want to be in that State's good shape, not our desperate circumstances. We want to have flourishing energy industries, nuclear in particular. The Hon. Rose Jackson asked what the answer is to the climate issues, the unemployment issues and she rolled in the health issues. Why would you not be supporting nuclear energy, which has the capacity for energy security and zero emissions? A lot of this

debate is madness. It is like a renewables religion: People can only support one aspect of energy generation. I am happy for renewables to play a role if they are competitive and survive without government subsidies. I am happy for gas, for coal, for nuclear. I am happy for jobs; I want jobs. I am desperate for jobs, as should be every single member in this place, and every single member should vote this legislation down.

The Hon. MARK PEARSON (21:32:11): I speak in support of the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019, which seeks to impose a moratorium on the prospecting for or the mining of coal seam gas [CSG] in New South Wales. Indeed, I would be happy go further and prohibit any further exploration for coal seam gas and would legislate for a phase-out of the mining and use of coal seam gas over the next two decades. The Animal Justice Party accepts the established science that the use of fossil fuels, including natural gas, is a major cause of climate change through the release of methane gas. Methane is a strong greenhouse gas with a global warming potential 84 times greater than carbon dioxide over a 20-year time frame.

I cannot see the sense in the argument proposed by some, including those in Government, that we can transition to natural gas from coal only to have to replace it with something better in the near future. If we have any hope of a livable future, coal seam gas mining must cease. It cannot be part of any final clean energy solution to climate change. At first the public was hoodwinked into believing that coal seam gas was a cleaner alternative to coal and that the end product of coal seam gas mining, liquefied natural gas, would deliver cheap energy prices. Instead it has left us with one of the highest domestic prices for gas in the world. The public is not in the mood to be fooled again. The protections included in the bill are commendable: the creation of no-go zones deemed off limits, such as the local government areas of the Northern Rivers; the exclusion of drinking water catchments, national parks, residential areas and prime agricultural land. I support the restoration of the public interest test as a relevant ground when considering exploration and mining.

I am under no illusion that, despite the fact that coal seam gas mining has been rejected by the public, this Government is still keen to support yet another extractive industry. At what point will the Government acknowledge that even the short-term gains derived from coal seam gas mining are not worth the electoral pain? Santos has been given 10 years of royalty-free production and local jobs only boosted during the initial phase of the construction, which is an extremely important point. You talk to any people who have worked in mines and travelled all over Australia from here and other parts of the world: The initial phase of the construction is the only time employment rises and the community benefits from what is occurring. After that it is downhill—destruction and sickness, actually. What really is the true value of coal seam gas mining in New South Wales?

I have never understood why the National Party is so supportive of coal seam gas mining when it has become electoral poison in so many rural and regional electorates. The Narrabri Gas Project currently before the Independent Planning Commission is the last stand of Santos and the coal seam gas industry in New South Wales. It is quadruple the size of any previously approved New South Wales gas field, with the proposal for up to 850 wells on 425 well pads over 95,000 hectares. Once established, it will be a giant industrial complex with a gas processing facility for compression and treatment of gas and a water management facility for the storage and treatment of waste water. Wells will require continual flaring or burning off of gas, each flaring adding to methane greenhouse gas emissions in the atmosphere.

Directly in the firing line of the Santos development is the Pilliga forest. The development will clear and fragment much of the forest. Habitat will be lost or fragmented, putting the surviving animals at greater risk of predation and starvation. With less vegetation cover they will be subjected to a harsher, drier, hotter environment that will be more susceptible to the ravages of fire and drought. It will be a disaster. The Pilliga used to have one of the biggest populations of koalas in the State. Koalas were abundant when counted in the 1990s. Some 20 years ago the number of koalas was estimated to be 15,000. They are now rare, and there has been little sign of recovery. Populations plummeted due to rising temperatures, more frequent heatwaves, and logging and clearing for coal seam gas exploration. There is no doubt that the expansion of the CSG industry in the Pilliga will be the death knell for the Pilliga's koalas. The people, animals and environment of New South Wales deserve better than having a polluting fossil-fuel dinosaur of an industry foisted upon our fertile agricultural lands, forests and aquifers. I commend the bill to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:38:00): The Government will be opposing this bill. The bill jeopardises the New South Wales Government's ability to put downward pressure on energy prices and deliver vital energy sources for domestic and industrial users in this State. A moratorium on unconventional gas exploration and production would be heavy handed and unnecessary. It would be reckless at a time when New South Wales must stand up to meet an economic challenge not seen since the Great Depression. It would sterilise strategic gas resources and create adverse flow-on consequences for jobs, capital investment and communities in regional New South Wales—the same communities already reeling from the ravages of drought and bushfires. The bill also fails to account for the way this Government has reformed the regulation of gas exploration and production in this State.

The gas industry is vital to the future of New South Wales, accounting for around 10 per cent of the energy consumed each year. Some 1.4 million residential consumers and 33,000 businesses rely on gas for their daily energy needs. Gas is also a vital fuel source for manufacturing businesses, which deliver over 300,000 jobs in this State, many in regional New South Wales. They use gas as an integral source of heat, including for metal galvanising and aluminium in Newcastle, cement manufacturing in the Southern Highlands and producing bricks and roof tiles on the Central Coast. Gas supplies have been under pressure, which can create significant impacts on pricing. Current New South Wales domestic gas production is limited, delivering less than 5 per cent of the total needs of New South Wales, leaving us dependent on interstate gas imports. The Government welcomed the Independent Planning Commission's approval of the Port Kembla gas terminal, which will be scalable to meet up to around 70 per cent of New South Wales gas needs.

The Government is also awaiting outcomes on the proposed Newcastle gas terminal and the Narrabri Gas Project. If approved, those projects will help ensure New South Wales has reliable supplies of gas. They are also important for the memorandum of understanding of the Commonwealth and New South Wales governments, which will jointly fund almost \$2 billion in energy and emissions reduction initiatives. Under the memorandum of understanding we have committed to a target of an additional 70 petajoules of new gas supply to the New South Wales market. This target can be achieved through the Port Kembla gas terminal or in combination with the Newcastle and Narrabri projects, if approved. The Narrabri Gas project would enable the development of additional domestic gas reserves to add diversity and security to the State's energy mix.

The Government continues to deliver on its promise to put in place sensible and sustainable gas policies, resetting how gas exploration occurs in this State. We listened to community concerns about coal seam gas and in 2013 asked the NSW Chief Scientist & Engineer to undertake a comprehensive review, which found that the risks of gas development can be effectively managed with the right regulation, engineering solutions, and constant monitoring. The Government agreed with this conclusion and adopted the NSW Gas Plan, which sets out a strategic framework to deliver best practice gas industry regulation while securing vital energy supplies for the State. These reforms mean that, firstly, the independent Environment Protection Authority is now the lead regulator for non-work-related health and safety conditions for petroleum titles. Secondly, they mean that the release of new exploration areas for gas is now regulated under the strategic release framework, which considers social, environmental and economic factors.

The reforms also ensure protections for other land use and natural resources, including precious surface and underground water resources, through rigorous assessment of all planned gas-producing activities; exclusion zones to prevent approval of new coal seam gas activities within two kilometres of residential zones and within critical industry clusters; setting and enforcing stringent controls and regulations for gas producers, including through the requirement for water access licences; and expanding surface water quality monitoring. The bill's proposed no-go zones unnecessarily complicate several of these existing protections. The strategic release framework provides a transparent approach for releasing new areas for gas exploration in New South Wales including assessment of social, economic, environmental and geological factors before any release of an area for exploration. The bill ignores these existing controls and seeks to impose an unnecessarily long and onerous moratorium-lifting process.

I now turn to the unfair impacts on existing titleholders and economic impacts on the State arising from this bill. There are six petroleum production leases, one petroleum assessment lease and 12 exploration licences in New South Wales. Several are linked to AGL's Camden Gas Project and Santos' proposed Narrabri Gas Project. Both AGL and Santos have made significant investments in these projects. While AGL's Camden Gas project is decommissioning, Santos' proposed project is nearing formal referral to the Independent Planning Commission for determination. On 11 March 2020 the Minister for Planning and Public Spaces took the first steps by requesting the Commission conduct a public hearing on the proposed development.

However, even if the Santos Narrabri Gas Project receives consent, this bill, if passed, would prevent a petroleum production licence from being granted. There is significant public interest in this project. The merits of the project are rightly being subjected to detailed scrutiny before any final decision is made. However, this bill would significantly compromise the project's feasibility and undermine the fair, comprehensive and merit-based project assessment just as it is nearing the final stages. This would expose the State to negative perceptions about the risk of investing in the New South Wales resources sector, jeopardising our ability to attract future mining investment. These outcomes would have negative consequences for regional communities, with lost economic development and—most importantly in the current crisis—employment opportunities.

I join the Hon. Mark Latham in welcoming the intervention of the Australian Workers' Union, many members of which are engaged in the vital oil and gas industries as well as in manufacturing industries that depend on a ready supply of affordable energy. It has called out the Leader of the Opposition for the New South Wales parliamentary Labor Party's decision to support this bill. It is a regrettable stance. The Narrabri project, which

this bill seeks to scuttle before it has begun, would directly or indirectly create over 500 jobs over the life of the project—more than half of them in the region and the rest throughout New South Wales. Australian Workers' Union National Secretary Daniel Walton has given expression to the utter disbelief of oil, gas and manufacturing workers at the willingness of the Labor Party to pander to the "irrational soft Greens" and "prioritise the made-up worries of a noisy minority over the real employment of manufacturing workers". This betrayal of the working class by what I refer to as the "loony Labor Left" has been going on for some decades now. As the late Kim Beazley Sr, the Minister for Education under Gough Whitlam, stated at a 1970s ALP State conference:

When I joined the Labor Party, it contained the cream of the working class. But as I look about me now, all I see are the dregs of the middle class. When will you middle-class perverts stop using the Labor Party as a cultural spittoon?

Things have hardly improved since he made that astute observation, as we see those on the Labor Left in ascendance, pulling the Labor leadership in this State with it and leaving ordinary workers abandoned and betrayed. This is a week in which Labor is intent on attacking jobs. Yesterday Labor opposed the efforts of the Government to secure \$3 billion for job-creating projects in the COVID-19 recovery period by a modest wage pause for public sector workers. By supporting this bill today it is seeking to launch a pre-emptive strike on more blue-collar jobs that are creating projects.

The introduction of a public interest test in the bill is also not appropriate. The bill proposes to reintroduce a public interest test into the Petroleum (Onshore) Act 1991, but this is to misunderstand the intent of the original public interest test provision first introduced in 2013 through the Government's Mining and Petroleum Legislation Amendment (Public Interest) Act 2013. That Act was developed against the backdrop of the Independent Commission Against Corruption's far-reaching investigations Operation Acacia and Operation Jasper. Those investigations unearthed grossly corrupt conduct in the granting of certain coalmining rights at Doyles Creek and Mount Penny. Anticipating the need for action, a sequence of swift, decisive and successive legislative changes enabled the Government to respond. One such change was an amendment to give the Government the power to cancel or refuse a licence or other title in the public interest. The Government made clear that this special power would only be used where ICAC determined that serious conduct affected in some essential respect the granting of a licence or the licence holder.

A subsequent bill, the Mining Amendment (ICAC Operations Jasper and Acacia) Bill 2014, sought to draw a line under the corruption laid bare by the investigation. It left the Parliament to decide whether these licences should be cancelled. With the benefit of ICAC's recommendations the Government cancelled the titles at Doyles Creek and Mount Penny. It went further and in 2014 replaced the public interest test with a new test: the fit and proper person test. This test created a stronger, clearer and non-exhaustive list of factors that the decision-maker must take into account in relation to titles.

Today the Resources Regulator has responsibility for conducting fit and proper person investigations under New South Wales resources legislation. The operation of this test works in concert with other important regulatory controls in schedule 1B of the Act, which require applicants to meet minimum technical and financial capabilities before they commence operations. If an applicant cannot show they have those capabilities or has a poor compliance history, the application may be refused. Those requirements ensure that the community can have confidence in the approval process.

This bill is poorly conceived, unnecessary and alarmist. The New South Wales Government is seeking to establish a flourishing gas industry for the benefit of all New South Wales citizens. Gas is recognised as a vital future energy source around Australia, but the New South Wales Government recognises that it cannot be developed at any cost. We have succeeded in putting in place a world-class regulatory system that balances the security of our energy and manufacturing needs with the creation of a safe and sustainable gas industry. The Government cannot and will not support this bill.

The Hon. ADAM SEARLE (21:51:33): I lead for the New South Wales Labor Opposition in debate on the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019. The Labor Opposition will support this bill for the reasons I will outline. Make no mistake, while the mover of the bill on this occasion is Mr Justin Field, the legislation before the House is essentially the same as the legislation that I moved in this place on 10 September 2015. I commend anyone interested to my second reading speech given on that occasion. For reasons of brevity I will not go into the same level of detail about the bill as I did on that occasion.

A lot has occurred since then, but one thing has not changed: The Liberal-Nationals Government—in power now as it was then—has not kept its commitment to the community to put in place the safeguards found to be necessary by the New South Wales Chief Scientist & Engineer in September 2014 if coal seam and other unconventional gas is to be developed here in New South Wales. I understand that some will try to frame this as a choice between jobs and the environment. There has been a significant effort both in the media and here in the Chamber to mischaracterise what is happening here. This is not a choice between the environment and jobs. Labor

does not approach matters in that way. The Labor Party is not new to facing difficulties of the kind that we are addressing. The path Labor members take now is the path we have taken on such matters—we follow the science.

The object of the legislation is to put in place a statewide moratorium on coal seam and other unconventional gas exploration activity while the environmental, scientific and regulatory design work recommended by the New South Wales Chief Scientist & Engineer in her September 2014 report is undertaken and implemented in full. This was the recommendation given on 25 February 2015 by the Legislative Council's Select Committee on the Supply and Cost of Gas and Liquid Fuels in New South Wales. In its response to the Legislative Council's select committee report the former Baird Government stated that it supported without any qualification recommendation 3 of that report, which provided:

That the New South Wales Government fully implement the Chief Scientist and Engineer's Final Report of the Independent Review of Coal Seam Gas Activities in NSW (September 2014) before any expansion of the coal seam gas industry in New South Wales is contemplated.

Indeed, during budget estimates in March this year Matt Kean, the current Minister for Energy and Environment, stated that all of the chief scientist's recommendations on coal seam gas must be delivered in full before any coal seam gas is given the green light in New South Wales. Since 2014 the Labor Opposition has been committed to the full implementation of the recommendations of the chief scientist. Labor's position is the same as the current Minister for Energy and Environment. It is worth noting that the New South Wales Australian Labor Party platform, which is binding on all Labor members of Parliament, states:

NSW Labor will apply the precautionary principle to all areas under investigation for CSG mining which have the possibility of interfering with or polluting groundwater systems, until the scientific community can demonstrate this industry is safe.

Let me be clear: Despite claims from this Government and others, the chief scientist did not say the industry can be safely operated in New South Wales. She set out a road map—a body of scientific and regulatory design work—that if done properly would inform Government and the wider community about whether the industry can be operated safely. That is an important distinction. It is important to note that New South Wales Labor is not anti-gas; it is not even anti-coal seam gas or other unconventional gas. It is certainly not anti blue collar jobs. That is why earlier in the week Labor called on the Government to prioritise materials and services sourced in New South Wales for the construction of the Western Sydney Airport metro rail line. That is why Labor has consistently campaigned for more local content, including employment, to be purchased through New South Wales Government procurement contracts, rather than sending major procurement contracts offshore. The New South Wales Government is not only the biggest employer in the country, but it is also the biggest purchaser of goods and services. Leveraging that purchasing power to drive job creation in this State is a key tool for improving the economy, and getting it off its knees and out of the pandemic-induced slump we are seeing.

Labor would support lifting the moratorium proposed in this legislation if each of the issues identified by the chief scientist was safely resolved and if we had a world-class regulatory system in place to ensure that our people and our natural assets—the water that we all depend upon—are protected. That is why Labor will move for there to be a statutory review in three years if the bill is read a second time. That would give the Government a further opportunity to deliver on its commitments to the community. From 2014 to now the governing parties and the Opposition have essentially had the same policy. We have committed to the implementation of these recommendations because of the important safeguards they provide. The Government has simply not delivered on that. Labor members are saying: Let us get the sequencing right. Let us put in place the safeguards before we proceed.

We have a large task ahead to fully understand the risks and their mitigation. In particular, the structure and relationships of our underground water sources must be mapped and understood. We have nothing like the level of understanding needed to allow intrusion into our groundwater systems with any sense of certainty or reassurance. Most of the legislation that regulates unconventional gas was written before unconventional gas was conceived of. We need to build a regulatory system that is specific to unconventional gas. That was the commitment that both Labor and the Government made in 2014.

There has been a trading of views about whether or not the Government implemented its recommendations. In October 2019 Portfolio Committee No. 4 self-referred that issue. There were exhaustive hearings from government agencies. On 28 February the committee reported that of the 14 recommendations made by the chief scientist arguably only two—the mandatory training of those working in the industry, legacy wells and other regulatory issues—have been fully implemented. Six recommendations have been partially implemented. Eight recommendations have not been put into effect to any degree, including those directed to ensuring that the costs to Government of regulating the industry are paid for by the industry; that there are insurance arrangements in place to protect neighbouring farms and other landowners against the risks posed by coal seam gas; and that there is a risk management and prediction tool used to assess the impact of coal seam gas and other extractive proposals.

The last recommendation depends upon the completion of the whole-of-environment data repository, which the Government has commenced but not yet completed. Without that repository the risk management and prediction tool will not operate. The full details about where the Government got up to can be found in the Legislative Council's report at pages 50 to 54. It is worth noting that one of the key omissions is insurance against risk. The report of the chief scientist stated that there needed to be enhanced environmental protection bonds to guard against environmental damage. That has not been done. The report also said that there needed to be insurance against risk for affected landowners.

I have been up to Narrabri and Coonamble. I have spoken not only to those who are vehemently in favour of the proposal but also to the many citizens and farmers who are very concerned about the impact on their water and the impact of the potential industry on their farms and the produce that they produce. They cannot get insurance from the private market and the Government will not provide any other options. The lack of insurance does indicate that the risks of something going wrong are fairly high and that the costs of those things going wrong will be very expensive; otherwise, why is there no product? If it is such a good idea, why will the Government not provide any kind of insurance or underwriting? It seems the Government wants the community to bear the risk as well as any potential costs.

While the bill is not specifically about the Santos project, it will be impacted by the bill. The degree to which it will be impacted is not certain. The bill provides for a general moratorium and a series of permanent no-go areas. It is common sense that the Northern Rivers area, national parks and core water catchments should not be the subject of CSG activity. There are several other areas, such as prime agricultural land, critical industry clusters and, of course, the recharge zone of the Great Artesian Basin. There is dispute about whether the Santos project is actually in the recharge zone. If it is not, then it is just part of the general moratorium which, in the right circumstances, could be lifted under this legislation. If it is in the recharge zone, obviously that would not be permitted under the legislation.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.

The Hon. ADAM SEARLE: From Labor's perspective this is not about stopping that project; it is about making sure there is a proper regulatory system in place that would actually inform a proper assessment. The assessment that is ongoing or that may be about to start will not have the benefit of the risk management tool recommended by the chief scientist. It is really interesting that we have not heard from the Government or from anyone, scientists or others, saying that the recommendations of the chief scientist are misconceived, unnecessary or harmful. The NSW Chief Scientist & Engineer at the time, Professor O'Kane, is a highly respected person who is now the chair of the Independent Planning Commission [IPC], although she is not dealing with this matter.

If there was some reconsideration or material that said the report and its recommendations were fatally flawed, then we may be having a different discussion. But this Government, at least in theory, still has as its policy a commitment to implement those reforms before allowing any assessments or development of the industry to occur. All Labor is saying is: Let us get the science right, let us get the sequencing right and let us have the proper regulatory system so that the assessment is done according to the science and makes a proper assessment of all of the impacts of any proposal. Without a level of understanding, any assessment will be flawed—and this is not anyone's fault. It is often said that this matter is now before the Independent Planning Commission, so we should not legislate to intervene in the independent planning process. Labor happens to agree with that, but it is not in fact with the IPC. The matter is still with the department being assessed.

The assessment was due to be finished in April. Now it is due to be finished within about a month. Minister Stokes has written to the IPC giving a series of expectations about how he expects it will do its job, including making a determination in 12 weeks, but this is an expectation, not a direction, and the IPC can take longer. This matter is not actionable in the IPC, so the Parliament still has the right to act on this matter, although the window is almost closing. Having spoken to a wide variety of people over a number of years in industry, no-one is seriously suggesting that this project by itself will solve the gas price difficulties experienced by households and businesses, particularly manufacturers using gas in industrial processes. Astoundingly, Australia is the largest producer and exporter of natural gas.

Existing known and operating gas supplies will continue to provide the east coast market with gas for the next 50 years. It is important to remember there is no New South Wales market; we are part of the east coast market. It is all one market, but it is not very transparent. Given the gas that is available, the gas that is produced, we should be awash in cheap gas to power homes and industry. Instead, in a catastrophic failure of regulation, markets and government, up to 70 per cent of our gas is exported to other countries, causing domestic gas prices to rise sharply. As a result of this offshoring and higher gas prices the Commonwealth Government is now

pressuring States to put land and water at risk to produce even more gas. This should not be the case. There is no guarantee that if this project is approved it will bring gas prices for consumers down by any particular degree.

There is also doubt about the degree to which this will increase the overall gas supply to New South Wales. I know there is now a commitment by Santos—for many years it refused to give a commitment—that all the gas will be sold only to New South Wales consumers. But, given the way the gas market works, it is not clear whether that will lead to much net improvement in gas supply for New South Wales or whether the gas supplies we currently use will then be freed up for further exports, leaving New South Wales either not much better off or maybe not better off at all. The opaqueness of the gas market makes it too hard to determine. NSW Labor agrees with the Australian Workers' Union that there should be an Australian domestic reservation policy put in place to ensure a ready supply of gas to businesses and households at affordable prices.

Labor has held that view and made that case since 2014, and shares it still. Every other country that produces and exports gas has a version of a gas reservation policy to ensure that domestic households and industry have affordable gas supplies at a reasonable price. We are the only country that has not taken that approach. That is actually the solution to the difficulties being faced by manufacturers in western and south-western Sydney and other parts of New South Wales. That would actually guarantee lower gas prices. Whereas even the most vigorous supporters of this project in conversations that I have had have said, "Look, resource projects are good. They are good for confidence and increased supply should be encouraged, but how much will that increase supply by exactly and how much will that reduce prices by exactly?" There are no guarantees in this world.

That is true, because the market is not superbly well regulated, it is not very transparent. Even if it goes ahead, the question as to whether it provides the solution that has been advocated for in the Chamber tonight and in the broader community is uncertain. But what is certain is that we should not answer this problem by putting our precious water at risk when the risks are not properly known, when there is no appropriate regulatory framework in place to assess and manage those risks, as recommended by the chief scientist, and, if possible, to make those arrangements manageable. There are no arrangements for insurance for affected landowners and the enhanced environmental rehabilitation bonds also recommended are not there. The economics are also uncertain.

I notice that there is this argument being advanced that the project could reduce household electricity bills by \$200. Santos came to give evidence to the upper House inquiry and I think it might have also given evidence in 2014 about gas supply and prices. That modelling has not been shared with me at least. I do not know how good, bad or indifferent it is, but that is not an argument that has been advanced in detail to me in the past.

The Hon. Mark Latham: What about Daniel Walton?

The Hon. ADAM SEARLE: I have seen the comments in the newspapers. I do not have the detailed modelling.

The Hon. Mark Latham: He has written to you.

The Hon. ADAM SEARLE: I have not got the detailed modelling. There are a number of uncertainties, but if the claims for the project as to supply and price are true, why has this Government over the past five years not ensured that all the safeguards and all the regulatory requirements that the Chief Scientist said were necessary were put in place? If this project was the answer to all of these problems—this Government that promised to implement these recommendations, not because it was a tick-a-box exercise but because it puts in place the scientific rigour and the framework to determine whether in the circumstances this industry could be safely developed—and if the claims made for the project are correct, about the economics, the gas supply and the other benefits, why has this Government so comprehensively failed to implement its own policy and ensure the regulatory system for assessing the project was put in place by now?

There are very significant concerns about the impact on the food and fibre products produced in and exported from the region, which could result in a negative financial impact far greater than any economic benefit to the State from the project proceeding. Whether one agrees with those who have concerns about the impacts on water and land, there can be no doubt that those concerns are real and genuinely held. While members in this place and even the public may disagree with our policy or perspective, please understand that these concerns are genuinely held by us.

New South Wales historically obtains a price premium not only for quality but also for its perceived clean credentials. The reputational damage that could arise from CSG is a concern to local producers in that area that I have spoken with, but also primary producers elsewhere in New South Wales worried about the reputation for New South Wales clean projects. Crucially, no-one can guarantee there is no risk to the recharge zone of the Great Artesian Basin, which provides one-quarter of Australia's fresh water. The fact there is no insurance against risk and the New South Wales Government will not underwrite that risk suggests it is very high.

It has also been suggested to me that there were proposals developed within the Deputy Premier's department to develop an underwriting model or some sort of financial support that were discontinued. One can only speculate as to why. One has to assume the risk exposure and the cost exposure were just far too great. This Government wants the community to bear both risk and cost. Coal seam gas, like any extractive industry, can damage our drinking water and damage our food security. Those are not made-up concerns by anyone. They are deep and genuine concerns held by farmers and other citizens in the region who will be directly impacted by the one live proposal, the Narrabri project by Santos. In the farming sector in other rural and regional locations there is broad concern about the impact of CSG if it were to be developed up there and the reputational risks.

When new medicines are introduced they have to go through rigorous testing. CSG should have to do so as well. Any benefits the industry may offer should not be at the expense of our age-old aquifers and prime agricultural land. We must proceed carefully and scientifically. If we want to have a scientific basis for dealing with this matter I would urge members to vote for this legislation. It places the report and recommendations of the chief scientist at its heart. If members want to protect core drinking water catchments and ensure the integrity of the water on which we all depend for life they will vote for this bill. This is not about made-up concerns; it is about protecting water first and foremost.

The Hon. SAM FARRAWAY (22:11:41): I speak in debate on the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019. I oppose the bill. I will touch on some of the points made by Leader of the House the Hon. Damien Tudehope and One Nation representative the Hon. Mark Latham. This Government has put in place the reforms needed to ensure that this State is well positioned to develop a safe and sustainable domestic gas industry, including the landmark New South Wales gas plan. The Government listened to the community concerns about coal seam gas and in 2013 asked the NSW Chief Scientist & Engineer to undertake a thorough and comprehensive review.

Despite what the previous member stated, the chief scientist found that the risks of gas development can be managed with the right regulation, engineering solutions and monitoring. That is the basis of the Government's reforms. We established strict controls and a clear strategic framework to deliver best-practice gas industry regulation. This includes a strategic release framework to give the Government control over the future release of areas of gas exploration. Under this framework new areas will be released for exploration only after environmental, social, economic and geological factors are considered, and the community has had an opportunity to have their say.

Explorers must meet minimum standards for technical and financial capacity, capability and work programs, and have a demonstrated compliance record. Codes are in place to ensure strong environmental management and rehabilitation, and well integrity. Potential water impacts are rigorously assessed before activities begin and strict standards must be adhered to before they continue. Certain chemicals are banned, and buffer and exclusion zones are in place prohibiting coal seam gas development in or within two kilometres of residential land and on critical industry cluster land.

The Government completed a significant one-off petroleum licence buyback program and introduced legislation to extinguish pending applications for new exploration licences, reducing the footprint of petroleum titles from more than 60 per cent of the State to approximately 7 per cent of the State. Gas exploration and production activities are subject to strict conditions and regulated by the independent Environment Protection Authority for all non-work-related and health and safety conditions using strong compliance and enforcement tools. The Government knows it is critical for communities to get their fair share when they choose exploration and production projects. We have enabled this through the Community Benefits Fund. Gas companies can apply to establish an authorised fund to support local initiatives that actually benefit the community. We have also passed legislation to deliver stronger landholder protections to ensure they are properly compensated for petroleum exploration and production activities on their land. Together these initiatives will allow the New South Wales Government to create and deliver a safe and sustainable gas industry in New South Wales.

The Hon. Adam Searle raised the important matter of the Santos Narrabri gas project. It is one thing to talk about it and another thing to be in Narrabri. I think it is fantastic the member has been there. I am the newest member in this place. I have spent extensive time in Narrabri, Boggabri, Mauls Creek and Wee Waa to understand the challenges with gas exploration in that region. There are challenges. In my view it is a co-existence model. There is co-existence between agriculture and mining. It is not that the community is anti a project. I spent a week in Narrabri in February 2020, recent times, before COVID hit and travel stopped. I met with council, which is clearly very supportive and sees the huge opportunity for the Narrabri region. I have been to see chambers of commerce. I have been to see representatives of NSW Farmers, the ag sector. I did street walks in shop fronts and spoke to publicans about their view, the community view about gas and the industry.

It would be unfair to say that the community is anti the development of gas in that region. I highlight the fact that it is critically important when people talk about something such as the Santos Narrabri gas project that

they have been on the ground and asked locals for their input and how we move forward. The Hon. Mark Latham raised the very good point that COVID-19 has made for tough times, but we have also had the drought, which has highlighted industry, jobs and regional development, especially the co-existence of mining and agriculture in our regions. If it is not that, it is bushfires and the dreaded "R" word in Australia. This is not the time to hold back industries. There is a co-existence model that will work. We have highlighted it in front of the Independent Planning Commission. There is huge opportunity for this State. We have spoken often in recent times about manufacturing and what a great opportunity a reasonable and stable gas industry co-existing with other industries offers New South Wales. I oppose the bill.

The Hon. PENNY SHARPE (22:18:14): I will make a short contribution to debate on the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019. This debate has occurred many times over many years. Here we are again. I thank my colleague the Hon. Adam Searle for laying out in great detail Labor's position on this issue. I will make a few points regarding why I will and Labor will be supporting this bill. Fundamentally this is a vexed issue. It is one that we have to make decisions about all the time. That is, how much risk is too much risk? Who wears that risk? What do you have to weigh it up against in terms of the very important things concerning jobs? This has been a very long debate that was hotly contested in the Labor Party. The Hon. Mark Latham was present for some of that debate. He has since left us.

The Hon. Damien Tudehope: He is upstairs.

The Hon. PENNY SHARPE: No, I meant he left the Labor Party. I have been here long enough to remember what was going on with coal seam gas licensing under the previous Labor Government and I am prepared to say that Labor let rip on exploration licences without having the regulation framework in place. That has led to a lot of the problems we have seen for the past 20 years. One of the things that was a circuit breaker after Labor lost the election was the work of the Chief Scientist & Engineer. It is probably one of the best pieces of work we have seen from a very clever and dedicated public servant. She went through in great detail whether it was possible for gas to be extracted safely in New South Wales and, if we were going to do it, how and under what circumstances—what test would need to be met.

That is important. It is clear that if all the chief scientist's recommendations could be implemented fully, I could not support the bill. But they have not met the test. If I were to do that I would upset many people, and I will talk about the communities affected in a minute. I could not say I support the bill although every single requirement has been met, but they have not. That was supposed to be what finally got us to the position of having a regulatory framework operating. The bill simply asks us to make sure those things are in place before we consider exploration. There is a lot on the line here: the southern recharge of the Great Artesian Basin. If anyone has looked at the maps—and I have spent a lot of time with those maps—they will see that it is the most important water source for the north-west of this State. It is the most precious resource in the north-west of this State, not for the next 10, 20 or 30 years but for the next 100 or 200 years.

If we fail and we ruin the groundwater in the Great Artesian Basin, livelihoods will be lost long after the gas wells have packed up and the operators have gone home. We will be unable to use that precious water for agriculture and for communities who rely on it. Many people living in the north-west rely entirely on bore water that comes from the Great Artesian Basin. This is not a trifling matter; it is not something we should take lightly. We are being asked to make decisions in the planning process around whether an industry needs to have the brakes applied while it meets conditions set out in the Government's own requirements through its own chief scientist's report. We cannot just continue and pretend those things do not matter. They do matter. The risk is too high for us not to consider them. That is why we must support the bill.

There have been some nasty comments in this debate about the communities organising for over a decade against coal seam gas and what that means. This is not a noisy minority. These are ordinary farmers who have never protested about anything; ordinary farmers who have been lifelong supporters of the National Party because they thought it stood up for farmers. I have travelled extensively through the north-west on many occasions, spending a lot of time with locals. I have also spent time with people on the North Coast and with people in Camden. I have spent time on the Central Coast, where coal seam gas is also a massive issue. Those people have been forced—through the processes that we and the planning process have put them through—to become experts on hydrology and groundwater. They are having to defend their livelihoods into the future against something they see will be around for 20 or 30 years before the operators leave them and walk away. It is insulting to call them a noisy minority.

I have sat with people who have doorknocked every landholder in the area and asked them whether they support gas wells going into their backyard and their region. I think the lowest response was around 80 per cent but the highest was up to 95 per cent. Of course people in the street of Narrabri want local jobs, and it is our responsibility to ensure those jobs are there. But we also have a responsibility to ensure the future of agriculture and that the water those towns rely upon remains into the future. It is not okay to say that some people support

this industry. An enormous amount of work has been done over decades. Ordinary farmers have knocked on the doors of their neighbours and homes in the entire district. If you visit those areas you will not see many farm gates with signs proclaiming: We want gas. It is sad that people are making this about a noisy minority, claiming it is disregarding jobs. This is about water and the types of jobs we can sustain into the future. It is an argument about people who have often left much of their life behind to become activists, to become submission writers, to become scientists, to hire scientists to work through the issues with them. No-one should dismiss their efforts nor underestimate the quality of their work.

I also want to talk about manufacturing jobs. The current pandemic has changed the debate. Too many people have lost their jobs and we need to get them back to work. The issues with manufacturing, the cost of manufacturing and access to energy were here before the COVID-19 outbreak, as were the issues around the gas market. The fact is that most of our gas is sold overseas and Australian businesses are forced to buy gas at export prices rather than our having a proper gas reservation policy that ensures the gas we produce—which is more than sufficient to meet our needs—gets to Australian businesses in a way they need and at a reasonable price. People do not want to talk about that properly but it is at the heart of trying to balance the risk of proceeding without having all the scientific recommendations in place. That is saying we are happy with the price Australian businesses are paying for gas. Nobody is happy about that and, if we are serious about it, we need a gas reservation policy.

Finally, I mention climate change. I know that some in this Chamber think we should not be doing anything about climate change and it is not an issue. While we may have different pathways the vast majority accept the science on climate change and accept that we must reduce emissions. There is an ongoing debate about whether gas is the transition fuel we need, whether it will be fast enough, whether we are taking enough action, whether the window of catastrophic climate change is closing and we need to move more quickly. I believe we need to move faster and the window is closing because the cost—including the economic cost—of failing to act is becoming apparent. I will not go into the whole climate change debate—

The Hon. Trevor Khan: Good.

The Hon. PENNY SHARPE: Thanks. I have already made a 10-minute contribution on the bill. The issue is: Do we commit to the science around this? Do we follow our own processes that say these conditions need to be met before it is safe to proceed or do we simply decide we can throw them out the window and go ahead without the very commitments learned from the previous Labor Government's mistakes? That is what this bill is about. It is about ensuring that the science is right before this project goes ahead because water is too important to risk. The jobs and livelihoods of people across the north-west and other parts of this State and the health of the Great Artesian Basin is worth more than a short-term project.

That also means that we have a responsibility to ensure that communities in the north-west, our manufacturers and others are given the support they need to do what they do best: make things and provide jobs. We can do all of it. It is not an either-or and it is wrong to suggest that it is. As I said at the beginning of my contribution, ultimately it is a vexed issue. It requires us to weigh up things in a difficult and thoughtful way, but ultimately what is the risk? The risk to water is too much. We can do more for our manufacturers. If we want to deal with the gas issue then we should do it through gas reservation. We have to stick to that. Finally, the communities that have worked hard for the issue understand it and have been making a case for a long time. The fact is that many politicians have progressed so much and walked away from them on the issue. I am talking about The Nationals. The Hon. Sam Faraway was not there, but I have been with National Party members who have been very anti-CSG for a very long time. Members must think about who they represent, what they are asking for and how to deliver that for them.

Mr JUSTIN FIELD (22:30:46): In reply: I thank all members who contributed to the debate. I thank the House for its indulgence. It is unusual to spend so much time on private members' day on a single item of business. I appreciate that the time has been granted. The Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019 is about the future of New South Wales; it is about jobs, too. But that is a nuanced debate. We must have a nuanced debate about those things. We cannot break it down to simple arguments: that you are either for it or against it; that if you are against this, then you are for that and you are with those people; and that you are a Greenie or a Leftie or you stand for the workers. That is nonsense and it does not get us anywhere at the end of the day.

The bill is about natural resources of the State and how we manage them responsibly. That is the purview of this place as much as anywhere else. It is here where we should make those decisions. Those resources are mixed; they are complicated. There are gas energy resources, energy resources, water resources, land resources, community resources and skills resources. It is a nuanced debate. The bill seeks to ensure that we balance those responsibilities. It is about land, water and the productive capacity of the landscape. It is about ensuring development for an extractive industry. We do that and we will do that in the future. Even in a green future there

will be extractive industries, but that does not occur at the expense of other longer-term industries that underpin regional communities or the other resources that we rely on.

The Government has made many arguments, which I refuted adequately last year in my second reading speech to the bill. I encourage people to have a look at that if they want to. I will come back to what the bill is ultimately about. It is necessary because the Government has breached the trust of the New South Wales community on coal seam gas. The Government said it was going to ensure that the regulation of the industry would protect water, that it would be science-based and that it would be regulated to a world-class standard. The Government set the bar because it was responding to a legitimate and broad community concern about how the industry had been managed in the past.

I acknowledge the contribution of the Hon. Penny Sharpe in particular and the role of the Labor Party. The Coalition Government has had to deal with the issue for a long time. It has set the bar. It did not jump over it; it ran headfirst into it. It failed absolutely to do what it promised the New South Wales community. The Legislative Council inquiry that looked at the implementation of the chief scientist's recommendations was not partisan. Departmental people were asked to appear before the committee to tell us what had happened. I am sure that when the inquiry report is debated at some point in this Chamber, Coalition members on the committee can speak for themselves. They were not up to scratch or across their brief; they did not know what had happened. From the evidence from the departmental officers, it looked as if this ticked a box.

No-one thought Santos would get over the line. Maybe it was thought that Santos would not hit final investment decision and the issue could just be kicked into the future. No-one did anything about it. The report was scathing because the evidence of the inadequacy of the recommendations' implementation was shocking. Fourteen of 16 recommendations were found not to have been implemented in full; half were not implemented at all effectively. I am talking about critical recommendations around assessing cumulative risks, which go to the core issues of this debate, including water, ensuring that landholders have access to appropriate insurance against long-term risks and establishing an expert standing advisory committee, which has not been implemented at all. That is one of the key things that the bill seeks to do. Right now taxpayers in New South Wales are paying \$3.75 million a year to regulate the industry, which is producing almost nothing in the State. That is how much it costs to regulate it.

A key recommendation of the chief scientist was that the industry should pay for the cost of its own regulation. That has not been implemented either. The industry is costing us money at the moment. The bill seeks to address those failings of the Government. It is critical right now because the regulatory environment for the industry is insufficient if the Narrabri gas project is allowed to proceed. It unacceptably risks the water supply, water quality, and the farmers and communities who rely on that water.

I flag that in consultation with the Shooters, Fishers and Farmers Party I have drafted an amendment to make even clearer the role of the expert advisory body, which was recommended by the chief scientist but not implemented by the Government. Those amendments will seek to ensure that the body will be guided more clearly in its deliberations and in providing advice to the Minister about orders to lift the moratorium for a certain project or over a certain area. That advice will be based on those findings of the chief scientist's 2014 report and on contemporary information about the potential impacts on the hydrology and water quality in a water source that might be affected.

I acknowledge the contributions in particular of the Labor Opposition, The Greens, the Animal Justice Party and the public comments by the Shooters, Fishers and Farmers Party, particularly the member for Barwon, Roy Butler. All those groups have had long-held policy positions on the industry and they have followed through. It has been consistent and science-based, and has involved deep engagement with the community. They have come to an informed position. We strengthened that informed position last year through the committee inquiry, which reported earlier this year. That is far from some recent public debate on this issue. We have seen hysterics in parts of the media, baseless claims in this debate from the Government and others, absurd manipulation of the energy debate at the Federal level and an effort to use the cover of COVID-19 through the COVID commission to foist the gas industry on the people of New South Wales. It is shocking in its brazenness: People with a clear vested interest in the gas industry are using their time to advance nothing else but the gas industry. One of the first things the commission announced was the idea that Santos Narrabri gas would be put into fertiliser manufacturing. That project has never even been talked about before. Where did that come from? Apparently, that was the priority for the COVID commission.

That makes a mockery of the planning that should be taking place for the recovery of New South Wales economically. It is laughable to claim that the largest gas exporting nation in the world is now somehow short of gas and that the manufacturing industry in the State and nation is suffering because of a shortage of gas. It is absolute nonsense. It has been called out time and time again, but the Government has argued that in this place. That does not include the energy Minister, but other Government members, including those who I think represent

industries that would do better to recognise the limitations of the industry to fix some of these problems with the current economic settings. To the Hon. Mark Latham I say that there is nothing wrong in working people wanting to save money on their energy bills, but this project will not do that.

The onshore gas project in New South Wales and, particularly, the project of Santos at Narrabri, is some of the most expensive cost-of-production gas in Australia. No manufacturing revolution is going to be driven by that project. In fact, Santos itself is directly responsible for making the cost of domestic gas higher than it would otherwise be because of its focus on export investments. It has been a shocking and economically devastating failure of industry policy in Australia. Instead of looking at how to retool manufacturing in this country to be powered as much as possible by modern renewable energy technologies, some of those with the most to lose from getting this wrong are now doubling down, pitting workers in one industry against local communities and, at the same time, risking the existing economic base of those communities.

We have an energy challenge in Australia. We should deal with that. Gas is part of it but we do not have a gas problem in this country, other than the beneficial economic treatment of export gas over domestic needs. As a campaigner and an adviser to Jeremy Buckingham, I was one of the first people in New South Wales—he was one of the first politicians in this State to call for a domestic reservation policy. His call was followed by the manufacturing sector, not only at the New South Wales level but also at the Federal level. This is a debate that we never fully had. I think that mistake has led to pretty significant consequences and has left us without some of the structures in place that would help us to get past the current crisis.

Renewable energy is a clear alternative when it comes to that energy challenge. We should be taking on renewable energy technology for industry and manufacturing. Other countries are doing it. Models exist for that. But the bigger challenge, and one for which we have far fewer options, is food security. To risk our food-growing land and the water that makes it productive is dangerous, short-term thinking. That sort of development should have the most stringent protections around it. This Government has dismally failed on that issue. The bill seeks to address that.

I conclude by acknowledging the many people who have lived with the uncertainty presented by this industry for a long time—some for over a decade. In my second reading speech I mentioned Mr Tony Pickard who lives on land near the edge of the proposed Santos Narrabri project. For over a decade he has been highlighting the failures of, first, Eastern Star Gas and then Santos, in meeting their exploration licence obligations. He has highlighted instances of pollution and leakage and has struggled to get the NSW Environment Protection Authority to investigate properly. He has been making submissions and asking questions but not getting any answers. Some of that came out when Santos was questioned during the inquiry. Many people have lived with deep uncertainty. As has been previously mentioned, they have had to become experts in hydrology, fracking fluids and the emissions profile of the gas industry. They know a lot about this. Some of them have travelled to Queensland and overseas to see how the industry plays out. They are fearful of what this means for their communities because they know that the Government has not taken the steps to ensure that their interests are going to be protected in allowing the industry to proceed. I commend the bill to the House.

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

The House divided.

Ayes20
Noes17
Majority.....3

AYES

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

NOES

Cusack	Fang	Farlow
Faraway (teller)	Franklin	Harwin
Khan	Latham	Maclaren-Jones (teller)

NOES

Mallard
Nile
Tudehope

Martin
Roberts
Ward

Mitchell
Taylor

PAIRS

Moriarty
Primrose

Amato
Mason-Cox

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill 2019 as a whole. I have two sets of amendments, the first being Opposition amendments on sheet c2020-082A and Mr Field's amendments appearing on sheet c2020-081A. We will first proceed with Mr Field's amendments—

The Hon. Mark Latham: Point of order: To assist the Committee, I note that I did not anticipate that such an abysmal piece of legislation would pass the Chamber. I give notice that I have an amendment to delete schedule 1 to the bill. The amendment is not in writing.

The CHAIR (The Hon. Trevor Khan): Members have heard that the Hon. Mark Latham has an amendment to delete schedule 1. The general position is that amendments should be in writing and distributed to all members beforehand.

The Hon. Mark Latham: It is a paperless Chamber.

The CHAIR (The Hon. Trevor Khan): No, it is not. It is actually not my ruling but that of the Hon. Amanda Fazio, whom I always relied upon. She previously made a ruling that amendments received after the House has resolved into a Committee of the Whole will only be accepted at the discretion of the Chair. Because it regards the simple deletion of an entire schedule, I think we can all grasp its concept. In those circumstances, whilst caught by surprise, I think members are adept enough to cope with the exercise. We will therefore deal with the Hon. Mark Latham's amendment first and we will proceed from there.

The Hon. MARK LATHAM (22:58:56): I move:

That schedule 1 be omitted.

I move this amendment on behalf of all those working people in New South Wales who would be relying on this Parliament on a day of recession to do things that are in favour of jobs. I am sure they will be in a complete state of disbelief that the Labor Party is no longer defending the interests of labour. Why have a party that was established by the Australian Workers' Union [AWU] itself to defend labour that is voting against jobs? Members only have to look at the words of national secretary Daniel Walton—updated now—to understand the outrage. A news article states:

Union outrage at Labor leader Jodi McKay's decision to back a bill that threatens to stop the Narrabri gas field development is increasing, with every Labor MP being targeted in a campaign to warn them how many jobs are at stake.

Ms Abigail Boyd: Point of order—

The Hon. MARK LATHAM: It makes sense that the AWU national secretary would write to the MPs urging them to ignore—

The CHAIR (The Hon. Trevor Khan): Order! There has been a point of order taken by Ms Abigail Boyd.

Ms Abigail Boyd: My point of order is that the honourable member should be speaking to the specific amendment and not rehashing the second reading debate speech.

The Hon. Damien Tudehope: That is what it is. This is to the amendment.

Ms Abigail Boyd: It sounds exactly like the original contribution.

The CHAIR (The Hon. Trevor Khan): It does, but because the nature of his amendment is to delete—to essentially gut the entire bill I think—

The Hon. MARK LATHAM: For those familiar with the legislation, deleting schedule 1 just leaves the title.

The CHAIR (The Hon. Trevor Khan): That is right.

The Hon. MARK LATHAM: I am very happy for this to be known as the "Walton amendment", because I am sure Daniel Walton, the leader of the AWU, would want people interested in and committed to jobs to do exactly this same thing and then vote for the deletion of schedule 1 to the bill in this Committee. What's more, he has written to every single Labor Party MP effectively saying, "It is not too late. You can reverse your decision. Abandon this madcap recommendation that has come from the shadow Cabinet and the caucus. Abandon the madcap anti-jobs agenda of the Labor leadership and vote for jobs".

He wants the Labor members of Parliament to meet people whose livelihoods depend on affordable gas. Their concerns are much more tangible than the imagined concerns of gas conspiracy theorists in trendy seats. What he is basically saying is that the Liberal left faction is not in touch with working people; the rainbow Newtown mob are not in touch with working people—they have sold out the Labor Party and the Labor tradition. These are important points that need to be aired in this Chamber. I think Labor people would be asking why the alternative party of government is dealing with an Independent who was not even elected at the last election.

The Hon. Shaoquett Moselmane: Point of order: My point of order is that the honourable member is not addressing any aspect of schedule 1 that he has put to this Chamber to debate tonight. If he addresses any aspect of schedule 1 we are prepared to hear him, but at this point he is just rehashing what he said earlier.

The CHAIR (The Hon. Trevor Khan): I know that the member is a long way away, but I think I dealt with this before. It seems to me that schedule 1 is the effective substance of the bill. What the Hon. Mark Latham is doing is, in a way, rehashing the second reading debate. Whether that is usual or not, that is the effect of his amendment. In addressing his amendment to remove schedule 1, it effectively invites what is akin to a second reading speech, whether I like it or not.

Ms Abigail Boyd: Point of order: Can I suggest that when a member is asking to remove a whole schedule from a bill that what they are doing is suggesting something that is quite different and that the contributions to the debate and to the amendment should then be about why a version of this bill, without that particular schedule but leaving the rest of it, is in the interests of the people of New South Wales?

The CHAIR (The Hon. Trevor Khan): I think there is some merit in the point you make. I think what the Hon. Mark Latham is getting to is that we are better off without the substance of the bill.

The Hon. MARK LATHAM: It might be of little concern to The Greens, but today New South Wales went into recession. It is in the interests of jobs and certainly in the interests of the newly unemployed in New South Wales to delete this damaging schedule 1. There is a last-minute appeal from the secretary of the Australian Workers' Union along those lines. He is saying, "Labor's stance on this issue flies in the face of everything our party is meant to stand for." And it is not only Daniel Walton; senior and well-respected Federal Labor MP Joel Fitzgibbon also says that this is economic madness. So if the Labor MPs here will not listen to the secretary of the trade union, at least they should listen to someone with a lot of experience on this resources issue. Probably Joel Fitzgibbon is thinking, "Well, if they don't listen to me they might have my fate at the next election", because he got the fright of his life in the electorate of Hunter where he was ignoring resource-based jobs, and now he has learnt his lesson.

Speaking of Mr Justin Field's bill, he is saying that this decision is a "bad and poorly informed decision of Labor to support this, which, if ever implemented, would leave our manufacturers uncompetitive, cost hundreds of jobs and result in higher household electricity bills". There is a Federal Labor MP saying that it is an absolute fraud for all these people on the Labor Party benches to stand up and beat their chests about being of union, of workers, that they are selling out manufacturing jobs and are making our State uncompetitive, and on a day of absolute economic crisis. While the Labor Party union membership did great on the public sector wage rise, anyone who wants to work in manufacturing, anyone who wants to work in mining and in resources, anyone who wants to have a competitive job and who wants a future has no prospect with the way in which the Labor Party is supporting this bill. That is why schedule 1 needs to be deleted.

These are important matters. I am old enough to remember in this place when State Labor was industrial Labor, through the fifties, the sixties and the Wran era. People like Bob Harrison and Merv Hunter, who were not rocket scientists, came from the Illawarra and Hunter and they were wedded to working people like the proverbial—they would not move an inch away from jobs on a day in which New South Wales had entered recession. It is a moment in time when those who have said Labor has lost touch with working people that really shows it is the final nail in the coffin. Why is an alternative party of government dealing with an Independent, who has not been elected to this Parliament in his own right, on an obscure approach to jobs and putting him in the limelight? Labor really should have been standing up and saying that the alternative party of government has

a structure about jobs and how to make the New South Wales economy competitive, and that they are not going to be sucked into the vortex of a single ex-Green, now an Independent MP, who has a separate agenda.

Industrial Labor—with those Hunter and Illawarra MPs of the fifties, sixties and seventies—is dead and buried, and, sadly, on this day we are sending a message to every working person in New South Wales that we do not care about jobs. The Chamber effectively voted to say we are not worried about energy security, we are not worried about gas prices, we are not worried about the jobs in Narrabri—we are not worried about jobs anywhere. If you do this on the day of recession in New South Wales, you would do anything anti-jobs. I am pleading, with this Walton amendment, for common sense to prevail, for Labor to go back to being a Labor Party putting the interests of working people first. When we get back to prosperity we can all talk about the other nice issues about identity and skin colour, people's sexuality and what people think about the environment—all lovely issues, but not now, not on a day of recession, not when working people need our help. Working people need the commonsense economic advice of people like Walton and Fitzgibbon and that is what should prevail in this House.

Mr JUSTIN FIELD (23:07:37): We have already established that the removal of schedule 1 would effectively gut the intention of this bill, which I remind members is to effectively implement the New South Wales Government's policy on coal seam gas. I think it is a bit rich for a former leader of the Labor Party to be talking about people changing parties, changing stripes and changing the direction of a political course, and to suggest that somehow that de-legitimises their arguments in this place. That is clearly an absurd notion. The Hon. Mark Latham has offered no argument that has any backing in substance. The arguments are about this bill somehow gutting manufacturing. We have the largest export gas industry in the world. We are one of the largest coal-exporting nations in the world, but somehow the manufacturing industry is struggling. How did that happen? Was that the cause of us not having a gas industry in New South Wales? No. The east coast market is huge, but it is all exported.

Where has the One Nation party been, where has the Hon. Mark Latham been in pushing for a gas reservation policy, in changing the industrial policy of the country to ensure that those manufacturing sectors can transition and utilise the gas that already exists without devastating agricultural communities? This amendment seeks to destroy the bill. We are going to rehash these arguments; I think they have been readily refuted. The substance of this bill is essentially about holding the Government to account for its promise to the New South Wales community, to farming communities and to those who are concerned about water, agriculture, air quality and climate change. The Government should be held to account by this legislation. It should not be up to this sort of faux debate. The House has already spoken on this issue. I urge members of this place to oppose the amendment by One Nation.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:09:50): I am not going to rehash the speech that I have given previously in relation to the bill. For the reasons that I articulated during the second reading debate, the Government supports the deletion of schedule 1. I concur with the Hon. Mark Latham and with a lot of the observations that he made. It will not be any surprise that my consistent position is that the decisions made by this House should be about protecting people's jobs. A policy in relation to working conditions and manufacturing is only ever consistent if in fact that policy can identify the jobs that will be created and protected.

For parties opposite to have supported this legislation, which will have the impact of removing the potential of those jobs in the New South Wales economy, leaves me speechless. That is hard to say because, generally, I am not left speechless. As to the decisions that the House has made in the past two days, both yesterday and today—I have found my speech again—the decision that the House reached yesterday ignored those people who have found themselves without a job. It stopped the creation of significant infrastructure projects and it stopped the Government's delivery of those projects to provide jobs. For the House to embrace a policy position today that will limit and prohibit the delivery of significant gas projects in New South Wales is a slap in the face and a kick in the guts to those people who do not have a job. We owe it to the people of this State to deliver jobs as we come out of this pandemic.

The Hon. ADAM SEARLE (23:12:27): Unsurprisingly, the Opposition does not support the amendment. The Opposition rejects the criticisms levelled at its position by the mover of the amendment and the Government. We do not know whether the claims made in favour of the project are well founded. There are so many uncertainties. But what we do know is that there is danger to the water of the Great Artesian Basin, which would affect farmlands, the livelihoods of farmers in the region and the products that they make. That can be resolved by the Government putting in place the scientific processes—the twenty-first century regulation of the industry—that the chief scientist said was necessary.

This is not a fringe concern. It is not an obscure sect that has come up with the 16 recommendations; it is the NSW Chief Scientist & Engineer. No-one has made the case that her findings and report were deficient, were based on faulty science or should in any way be rejected. The Government has not even walked away from its

own stated policy. The Opposition is saying that the Government must get the process right. It must adopt the recommendations that the chief scientist said were necessary and put in place the regulatory mechanisms. Then we can have confidence and reliability in the outcome of any assessment process. Labor is not anti-gas. It is certainly not anti-jobs. Labor rejects those criticisms. But Labor is pro science and Labor members know that one does not get a second go at protecting the water of the Great Artesian Basin if it is contaminated or if the aquifer is pierced.

I am not a scientist and I am not a hydrologist but I have tried to get my head around this issue to the best of my ability. I have met with people, I have read and I have tried to understand the issues. If there is no risk, if there is no problem and if all of these concerns are misplaced, then why can we not get insurance against risk? Why will the Government not underwrite the risk? It is a very simple question. If one cannot get insurance there is a fair chance that there is a high risk of something going wrong and that the cost of paying out is very high if that risk crystallises. Otherwise, this Government would have jumped at the chance to underwrite it because there was no risk, there was no problem and those concerns were misplaced.

Labor knows they are not. It knows that the concerns held by farmers and many who live in these communities are not made up; they are genuinely held. The Government might disagree with them and with Opposition members, but let us at least do each other the courtesy of having a proper and robust debate about ideas. Descending into cheap abuse does not help anybody and it does not advance anyone's cause. We can legitimately differ around the issue about the level of protection that our water needs. That is what this is about. It is not even about the environment or so-called trendy issues. It is about protecting water because you do not get a second chance if it goes wrong. Labor is not anti-gas. It is not even anti-coal seam gas. It is certainly not anti-manufacturing.

If the Government is serious about protecting manufacturing in this country and about bringing gas prices down, it must stop selling 70 per cent of gas overseas. That is where the effort should be going. Australia is the biggest gas producer in the world and the biggest gas seller in the world. We could have cheap gas for households and industry by simply not selling as much of it overseas. That part of the debate is definitely misconceived. But if there is no risk to the water then the Government should put its money where its mouth is and underwrite the risk. The issue goes away if everyone can have that confidence. The Government should implement the policy that since 2014 it has said it would implement. Labour agreed with the Government then and it agrees with the policy now.

The Hon. WES FANG (23:16:49): The Hon. Mark Latham sent a message to the Opposition to support jobs when he moved this motion. I opt for a similar call to this House but I direct my call to the Shooters, Fishers and Farmers Party. It is not too late for them to accept jobs for this State. It is not too late for them to fight for the things they say they fight for and to represent the battlers of New South Wales. The Hon. Mark Latham was succinct in the way he presented his argument about supporting jobs. I suggest that Shooters, Fishers and Farmers Party members listen to the words of the Hon. Mark Latham, and also that they understand that the voters in Murray, Barwon and Orange want jobs. Rural and regional New South Wales wants jobs. I am a member of The Nationals and it knows that. That is why it is happy to support something in this time of crisis. During economic challenges the National Party is standing on the side of jobs. It is not too late for the Shooters, Fishers and Farmers Party to join us on that side. I implore the Shooters, Fishers and Farmers Party—

The CHAIR (The Hon. Trevor Khan): Order! Interjections are disorderly. I constantly hear the President say that members do not have to address the Chair but members cannot turn around and directly address other members in the way they are now. There is a convention that members address the Chair for the simple reason that it keeps debate orderly. I invite members to bear that in mind.

The Hon. WES FANG: The Shooters, Fishers and Farmers Party has an opportunity to correct a wrong, to be on the right side of this and to back rural and regional communities. I implore the party to reconsider supporting this amendment and to join The Nationals on the right side of history.

The Hon. ROBERT BORSAK (23:19:31): Though I was addressed directly by a member of the National Party, I will not address him directly because it is not worth talking about. The Shooters, Fishers and Farmers Party is listening to its constituents, the farmers and rural and regional communities of New South Wales. We have a longstanding policy in this place, which is not dissimilar to the Labor Party's policy or the Government's policy, about what the NSW Chief Scientist & Engineer says needs to be done if one is going to support unconventional coal seam gas mining in New South Wales. We are going to stick to that policy. We have been lobbied by farmers and we have been lobbied by rural communities. Whether it is in the seat of Murray, whether it is in the seat of Barwon or whether it is in the seat of Orange, it makes no difference at all. We do not need to drill for coal seam gas in New South Wales. We have more gas in Australia being produced, which is being shot overseas, and the east coast contracts that we had were no longer renewed. I was on the same inquiry with the Leader of the Opposition here how many years ago?

The Hon. Adam Searle: Six.

The Hon. ROBERT BORSAK: Six years ago when we went through the whole thing and it was pretty damn obvious what was going to happen when those east coast contracts ran out. All that gas was directed north to Townsville and Gladstone to be converted to liquefied natural gas, so that prices could go up here and so that pressure could be put on rural and regional New South Wales to start drilling for unconventional gas, put our water at risk and ruin our bloody farming. The Shooters, Fishers and Farmers Party calls on the National Party to support farmers for a bloody change to make sure that farmers get the water, to look after their water resources and to make sure it gets done. The National Party has to stand up for farmers. You are a poor imitation and you need to do it.

The Hon. Wes Fang: Point of order: The Hon. Robert Borsak was addressing me directly. He knows that he should direct his comments through the Chair.

The Hon. ROBERT BORSAK: I do not recall using this gentleman's name because it is not worth using. The reality is that the Shooters, Fishers and Farmers Party stands up for farming, stands up for farmers and makes sure—

The Hon. Catherine Cusack: To the point of order: I assume that he has completed his contribution.

The CHAIR (The Hon. Trevor Khan): No, he has not completed his contribution. Let us just get through this.

The Hon. Wes Fang: The time has run out.

The Hon. Catherine Cusack: I wish to address the point of order—

The CHAIR (The Hon. Trevor Khan): The time has not run out. There is no clock.

The Hon. ROBERT BORSAK: There is no clock. The reality is that this is a sham debate because unconventional gas in New South Wales is not necessary. We should have the cheapest gas in the world and we have the most expensive gas. The reality is the coal seam gas to come out of Narrabri will cost at least \$7 a gigajoule. On the international market, even coming out of Gladstone, it is \$4.50 a gigajoule. How can one tell me this will create jobs in New South Wales if that gas comes into the system in New South Wales? It simply will not. Again, this is the Government looking after its mates and the National Party making sure that those mates get looked after against the interests of the very people it pretends to represent. The Shooters, Fishers and Farmers Party is the only one standing up for farmers in this State.

The Hon. MARK LATHAM (23:23:16): Just to close off the debate, it is not possible to have the cheapest gas in the world by keeping gas in the ground. That is just a basic economic fact. If you want to be a resource-rich economy, you have to mine your resources and use them productively. You cannot have cheap gas by keeping the gas in the ground. Beyond that, there is another unreality in this debate. You only have to listen to the words of the Leader of the Opposition to shake your head in disbelief. This was Orwellian doublespeak. The Labor Party position, articulated by the shadow Minister, is that it is not against gas, but it is voting for a coal seam gas moratorium bill. It is not against gas, but it is voting to ban the industry. What next for Labor? It is not against health care but it is going to ban hospitals, or it is not against education but it is going to ban schools.

This is Orwellian doublespeak. No-one would regard this as a credible argument in the public debate. You cannot say you are not against an industry and then vote to ban it. No-one would regard that. Furthermore, the shadow Minister said the science is not in. Any logical person with a double- or triple-digit IQ would say, "If the science is not in, I am not going to ban the industry, I will wait until the science is in." Why would you say to all those people in New South Wales relying on the jobs, the energy security and the cheaper gas, "The science is not in, but the industry is done for"? That is not following the science; that defies scientific logic. I do not know how the Leader of the Opposition got himself in this tangle, but I can assure him it is not a position that excites, impresses or convinces people even on his own side.

When he cannot persuade the Federal resources spokesperson, Joel Fitzgibbon, and when the head of the Australian Workers' Union has him under heavy attack, they too would be shaking their heads at these propositions. That is the reason for their attack. It is a shame that Labor got to this point of Orwellian doublespeak and engaged in an exercise in semantics. It is a tragedy for the New South Wales economy. It does not stack up, it should not be tolerated and, I am sorry to say, this position of the Australian Labor Party will haunt it for the duration of the recession. It began this recession in New South Wales with a firm anti-job position, saying, "The science is not in, but we are banning you anyway", and saying, "We support coal seam gas, but we are voting for a single ex-Greens, Independent fellow who has a coal seam gas moratorium bill." How did it ever come to this? I am not the only one saying it. If you cannot convince people like Joel Fitzgibbon and Daniel Walton of these basic facts, then it is not a bill that should be supported. Schedule 1 should be deleted.

The CHAIR (The Hon. Trevor Khan): Before I put the question I bring to the attention of members page 477 of the well-known tome of Want and Moore. On that page, two matters are dealt with. The first principle is this:

The committee is bound by the decision of the House on the second reading to agree to a bill in principle. Therefore, an amendment may be made to any part of the bill, provided it is relevant to the subject matter of the bill, and no amendment or new clause may be inserted which reverses the principle of the bill as read a second time or equates to a negative of the bill.

That is also reflected in Erskine May on page 666. However, both tomes go on to provide in words or similar words—I quote here from Want and Moore:

Although amendments may not be moved which are destructive to the principle of a bill, there is nothing to prevent the committee of the whole from negating a clause or clauses which would have the effect of nullifying the bill or rendering the bill meaningless, and reporting the bill, as amended, to the House.

How one deals with those two seemingly conflicting observations on the very same page is interesting, but whilst in my view the amendment that the honourable member seeks to make effectively guts the bill, I note that schedule 4 to the bill deals with other matters and therefore there is something, although not much, left of the bill.

The question is that the amendment of the Hon. Mark Latham be agreed to.

The Committee divided.

Ayes17
Noes20
Majority.....3

AYES

Ajaka
Farlow
Harwin
Mallard
Nile
Tudehope

Cusack
Farraway (teller)
Latham
Martin
Roberts
Ward

Fang
Franklin
Maclaren-Jones (teller)
Mitchell
Taylor

NOES

Banasiak
Buttigieg (teller)
Faehrmann
Hurst
Moselmane
Searle
Shoebridge

Borsak
D'Adam (teller)
Field
Jackson
Pearson
Secord
Veitch

Boyd
Donnelly
Houssos
Moriarty
Primrose
Sharpe

PAIRS

Amato
Mason-Cox

Graham
Mookhey

Amendment negatived.

Mr JUSTIN FIELD (23:39:53): By leave: I move my amendments Nos 1 and 2 on sheet c2020-081A in globo:

No. 1 Moratorium lifting orders

Schedule 1, Page 4. Insert after line 48—

- (ia) would be consistent with the recommendations made by the then NSW Chief Scientist and Engineer, Professor Mary O'Kane, in the *Final Report of the Independent Review of Coal Seam Gas Activities in NSW* (published in September 2014), and
- (ib) would not have any significant impacts on the hydrology of any water source in the area, and
- (ic) would not impact the water quality of any water source in the area, and

No. 2 Standing Expert Advisory Body on Coal Seam Gas

Schedule 1, Page 6. Insert after line 13—

- (4A) The Standing Expert Advisory Body must, in advising, providing recommendations and in any of its other deliberations in connection with the exercise of its functions, take into consideration—
- (a) the implementation of the recommendations made by the then NSW Chief Scientist and Engineer, Professor Mary O'Kane, in the *Final Report of the Independent Review of Coal Seam Gas Activities in NSW* (published in September 2014), and
 - (b) in relation to petroleum mining operations for coal seam gas—whether or not significant impacts on the hydrology or water quality of a water source would occur as a result of those operations.

These amendments seek to do a very simple thing. Contrary to claims made tonight, this is not a prohibition bill; it is a moratorium bill. Consequently, the bill provides for circumstances for the moratorium to be lifted. It also creates a standing expert advisory body and outlines its functions. The amendments simply seek to make even more explicit and clear the functions of the Standing Expert Advisory Body and that when considering lifting moratorium orders it must make decisions that are consistent with the final report of Chief Scientist & Engineer Professor Mary O'Kane. It needs to have regard to significant impacts on hydrology and water quality in any water source area that may be affected by a coal seam gas proposal. I commend the amendments to the Committee.

The Hon. ADAM SEARLE (23:40:51): The Opposition supports the amendments. They provide additional protections for water and therefore we support them.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:41:15): The recommendations of the chief scientist's review into coal seam gas have either been addressed or continue to be addressed. During the second reading debate I made clear everything that the Government has done in that regard. When the report was handed down it presupposed a major gas industry being set up in New South Wales, which has not materialised. This is the chance for the House to endorse establishment of that gas industry. There is now just one project proposed in Narrabri that would be examined by the Independent Planning Commission, which will take into account a large range of water and environmental issues before it reaches an assessment of the project. The Government therefore opposes the amendments and will allow the independent consent authority to consider the Narrabri Gas Project on its merits.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendments Nos 1 and 2 on sheet c2020-081A. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. ADAM SEARLE (23:42:54): I move Opposition amendment No. 1 on sheet c2020-082A:

No. 1 Review of Act

Schedule 1[1], page 7. Insert after line 19—

7I Review of Part 2A

- (1) The Minister is to review this Part to determine whether the policy objectives of this Part and any associated provisions inserted into this Act by the *Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Act 2019* (the **amending Act**) remain valid and whether their terms remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 3 years from the commencement of the amending Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 3 years.

The amendment provides for a statutory review of the legislation after it has been in operation for three years. We wish to give the Government a further opportunity to make good on the commitments it made to the community in 2014—and many times subsequently—to implement in full the recommendations of the chief scientist and to put in place the scientific and regulatory approvals and assessment process she recommended and which the Government has not walked away from or questioned in any fashion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:43:39): It is hard to agree to a review of a bill that we oppose. We oppose the review.

Mr JUSTIN FIELD (23:43:44): I support the amendment. It is in line with the spirit of the bill, which is about creating an opportunity to ensure the Government's own expectations around the regulation of this industry are met. It has had five years; this gives the Government another three. I support the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet c2020-082A. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Motion agreed to.

Mr JUSTIN FIELD: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

Mr JUSTIN FIELD: I move:

That the report be adopted.

Motion agreed to.

Third Reading

Mr JUSTIN FIELD: I move:

That this bill be now read a third time.

The House divided.

Ayes20
Noes17
Majority.....3

AYES

Banasiak
Buttigieg (teller)
Faehrmann
Hurst
Moselmane
Searle
Shoebridge

Borsak
D'Adam
Field (teller)
Jackson
Pearson
Secord
Veitch

Boyd
Donnelly
Houssos
Moriarty
Primrose
Sharpe

NOES

Cusack
Farraway (teller)
Khan
Mallard
Nile
Tudehope

Fang
Franklin
Latham
Martin
Roberts
Ward

Farlow
Harwin
Maclaren-Jones (teller)
Mitchell
Taylor

PAIRS

Graham
Mookhey

Amato
Mason-Cox

Motion agreed to.

CHILD PROTECTION (NICOLE'S LAW) BILL 2019

Second Reading Debate

Debate called on and adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

COVID-19

The Hon. ROD ROBERTS (23:57:26): My speech was prepared some weeks ago, prior to Parliament going into hibernation and at the beginning of the COVID-19 outbreak. Nevertheless, it remains as pertinent today as it was then. I refer to comments made at the time by Prime Minister Scott Morrison, who described as un-Australian the panic buying and hoarding that we witnessed. What does the word un-Australian mean? The best way to look at this is by contrasting it with what it means to be Australian. Australians believe in a fair go. Australians believe in fair pay for a fair day's work. Australians help their mates. Australians believe that men, women and races are inherently equal in worth. Australians help the most needy and vulnerable in our community, whether they are elderly, sick or disabled.

On the other hand, what does it mean to be un-Australian? We saw plenty of examples of what might qualify for this. It is un-Australian to steal toilet paper out of a legally blind woman's shopping trolley. It is un-Australian to separate a 13-year-old girl from her wheelchair-bound mother and stampede over her in an imagined panic for toilet paper. It is un-Australian to leave elderly people queueing before the crack of dawn to find that selfish shoppers have cleaned the shelves of basic necessities such as mincemeat and other important items. It is un-Australian to fail to understand that some elderly and disabled people live day to day on a small pension and are not in a position to buy ahead when compared to those more fortunate.

It is un-Australian to abuse retail workers and other essential workers who are trying their best under enormously stressful conditions. It is not only un-Australian to spit and cough in the faces of police, nurses and others, it is plain disgusting and unacceptable in any civilised society. There is one word at the root of all these un-Australian behaviours and that word is "selfishness". To be a real Australian, we need to be true, real, authentic human beings to one another. It is un-Australian to be animalistic, selfish and inhuman. We had great examples of Australian behaviour just recently. Only a couple of weeks before the COVID-19 outbreak, we witnessed Australians at their best. During the horrific bushfire season we saw volunteer firefighters risk their lives to save the lives and property of others. We saw Australians donate millions of dollars, clothing, household goods and food to the victims of these fires. So what happened?

Whether we like it or not there are around 24 million of us stuck here on this big island. We are all in this together and while I am hesitant to use the expression "Team Australia", that is exactly what we need. We need to recognise that the next person is not some inconvenience or competitor, but a teammate. The paradox here is that there is no shortage of anything except that created by our own selfishness. Some of us need to have a good hard look at ourselves in the mirror and consider how our actions affect others.

COVID-19 AND RACISM

The Hon. SHAOQUETT MOSELMANE (00:00:29): There is no doubt that humanity has suffered—and continues to suffer—deeply through the global COVID-19 pandemic. Hundreds of thousands of lives across the world have been lost, industries have come to a standstill, schools and places of worship and community centres have closed, jobs have been lost and livelihoods have been diminished. Self-isolation and physical distancing have become the norm as simple everyday activities—going to a cafe, having a family barbecue or dinner with friends, going to a place of worship to pray—are now luxuries that we cannot afford to indulge in for fear of catching or spreading the virus. The meaning of "normal" has been turned on its head as we navigate business as usual in the new normal. During the challenging times, multicultural media played a vital role, as did the ABC, and SBS TV and radio in providing coronavirus information in 63 different community languages. They kept communities up to date with step-by-step information that I am sure helped minimise the infection rate across Australia.

If we have learnt anything over these past three months, it is that COVID-19 does not discriminate. Yet, the COVID-19 pandemic has prompted a spike in racist attacks and incidents of discrimination, particularly against our Asian-Australian communities. There have been way too many reports of COVID-19 prompting racial abuse. From a Vietnamese young woman being spat on in Sydney's inner west to a Chinese woman being assaulted physically and verbally in a racial attack, the stories of commuters and shoppers experiencing such deplorable abuse were there for all to see. The increased level of racism was simply unacceptable.

A survey of COVID-19 racism against Asian-Australians, launched by community group Asian Australian Alliance, recorded 178 incidents in just two weeks—that is, 12 incidents per day. One-third of all racism complaints made to the commission since the start of February have been related to COVID-19. That is alarming and disgraceful, no doubt much of it fuelled and incited by some—and I stress "some"—in our mainstream media. One only has to look at the headlines tormenting the Chinese diaspora in Australia, inappropriately labelling COVID-19 by race, such as "Chinese virus pandemonium", "China virus" and "Chinese kids stay home". That is clear racism. It is downright offensive and unacceptable. I wonder where the Australian Press Council was in all

this. Where is Media Monitors? Where is the Australian Communications and Media Authority? Where is the News and Media—Commonwealth Ombudsman?

I certainly look forward to reading their reports on how they plan to tackle racism and those responsible for inciting racism. We should never allow anyone anywhere, and certainly not any media outlet, to use any excuse to vilify any of our multicultural communities as they did in this case—the Asian-Australian community, particularly those of Chinese heritage. In closing, I acknowledge their pain and make it clear to them that we stand with them and that we stand with all those members in our multicultural communities who have fallen through the cracks during such challenging times.

WAGGA WAGGA SWIMMING CLUB WESTERN RIVERINA COMMUNITY COLLEGE

The Hon. WES FANG (00:04:34): The Riverina has produced some of the finest athletes in the country, many of whom have gone on to compete at national events and represented Australia on the world stage. For those lofty heights, the path to success often begins with the early 5.00 a.m. alarms and training at the local sports centre. The Oasis Aquatic Centre is the hub for competitive swimming meets for the Wagga Wagga Swimming Club and surrounding clubs in the Riverina. The centre hosts major State and national competitions, but it does so without the professional equipment that some of its metropolitan counterparts enjoy.

Last month as part of round three of the Stronger Country Communities Fund, I was delighted to announce that the Wagga Wagga Swimming Club will receive nearly \$60,000 to upgrade the starting platforms, timing system scoreboard and backstroke ledges at the Oasis Aquatic Centre. The equipment upgrade will allow young, regional swimmers from Wagga Wagga and surrounding areas within the Riverina to train and use that equipment in all major competitions. No matter where you come from, you should have the same access and opportunities as those in the bigger cities. The Nationals in Government recognise that to keep our regions strong, we must keep our communities strong. By contributing towards the Wagga Wagga Swimming Club and investing in the future of our community, success is guaranteed.

The funds received will go towards equipment that the club could not otherwise afford and enable it to offer to its members and the community facilities that will match those of its metropolitan counterparts. I thank regional youth Minister, Bronnie Taylor, who is sitting next to me, for putting young people at the front and centre of this round of funding, boosting job skills, and providing the activities and infrastructure that make regional communities better places to live and work. This round of the fund is supporting young people and giving them the opportunity to be the best versions of themselves while also supporting infrastructure and programs in the town they love. I also pass on my congratulations to Wagga Wagga Swimming Club President Paul Gianniotis and head swim coach of Wagga Wagga Swimming Club Gennadiy Labara on successfully applying for the funding. I know it will be put to good use at future competitions.

During the extended break from parliamentary sittings, I was also proud to announce that the New South Wales Government will deliver funding to the Western Riverina Community College [WRCC] to assist its work during the COVID-19 pandemic. The WRCC not only plays an important role in the local community but, as a contracted provider, also supports the Government's objectives to help vulnerable students on a pathway to jobs by re-engaging them in learning and preparing them for work. The Western Riverina Community College will receive an additional \$48,515 grant as an adult and community education [ACE] provider contracted by the New South Wales Government.

The grant was needed to help education providers retain staff and provide additional funding to accelerate development of online learning at a time when the number of students attending colleges physically has decreased across New South Wales. The funding will go a long way to support the college during the COVID-19 pandemic and will enable it to undertake innovative work to prepare for online learning. The WRCC is a vital educational institution made up of local students, teachers and other staff who form the community. As Executive Officer of the WRCC, David Martin explained to me that the impacts of COVID-19 have worked their way into every aspect of our lives. The effects of COVID-19 have resulted in the suspension of learning activities facilitated by the college and the reduction in employment hours for college employees.

The ACE Special Relief Grant generates the space to create adaptive strategies whereby the college can continue to connect with the vulnerable and provide ongoing support to the people of western Riverina. That support means the continuation of developing outcomes that provide pathways to employment or further education and training. I thank the Minister for Skills and Tertiary Education, Geoff Lee, for recognising the importance of community colleges in New South Wales and for his dedication in ensuring they are not left behind during this unprecedented time.

MINISTER FOR POLICE AND EMERGENCY SERVICES

Mr DAVID SHOEBRIDGE (00:09:48): On 27 October 2019 the New South Wales police Minister, David Elliot, was having what the New South Wales police commissioner would describe as a "bad day". As many people would know, that was when the police Minister was involved in a road rage incident with a young 17-year-old driver. That was when the New South Wales police Minister was so enraged at an alleged minor bump to his car that he chased the young driver through the streets with lights flashing and horn blaring. That was when the police Minister so scared the 17-year-old driver that the young man was reduced to tears and so in fear of his safety that the police were called. Following that, an allegedly independent investigation was undertaken by the NSW Police Force.

No charges were laid despite credible evidence that he impersonated a police officer and assaulted the young driver. Until now we all thought this came down to having a hard choice between believing the frightened young driver or the enraged Minister. We thought it was a case of oath on oath. What we have not known until the police records were produced to the New South Wales upper House today is that an entirely independent and credible third party witnessed the key events and his evidence was in large part ignored by New South Wales police. It is time that evidence was placed on record. On 12 November 2019 a 34-year-old sprinkler fitter gave a statement to police. On the day in question he witnessed the final stages of the road rage incident. He was so concerned at what he saw that he got out of his car to try to calm things down. He stated:

I got out of our car and approached the young male from the grey ute while he was at the Lexus window. While I was there I heard him yelling at an older male sitting in the driver's seat of the Lexus. He was saying, "You are a fuckin idiot." I said to him- "Calm down." He turned to me and said- "He just grabbed me." As he said this he pointed to the man sitting in the Lexus—

who we now know was Minister Elliot. The statement continues:

I said to him- "Calm down and walk away." I then indicated for him to move to the pavement so he could be away from the man sitting in the Lexus. He started to move away and went over to the pavement. As he moved he was saying- "He is a fuckin idiot, he grabbed me and I am going to bash him." At this stage I believe the gravities of the situation caught up with him and he became very upset and began crying. He was now sitting on the pavement with a young female who I believe was his sister.

I then turned around and saw that man who had been sitting in the driver's seat of the Lexus was now out of the car. I would describe this man as in his late 50's of heavy set and balding. He was now arguing with the older man from the white ute near the Lexus. The argument was getting quite heated and they were yelling and swearing at each other. As they were swearing at each other they were very close to each other's faces. Their behaviour was very aggressive in nature so I left the younger man from the grey ute with his sister and approached the older men.

As I got near them I heard the older man from the Lexus driver say, "I work for the police and they are coming." The male driver from the white ute said, "They can fucking come then." They continued to swear at each other and call each other 'Dickheads' and other profanities.

The statement "I work for the police" is critical because impersonating a police officer in this State is a serious crime. I return to the statement. It continues:

I then turned to the male driver of the Lexus and said- "If you work for the police show us your warrant card." (meaning his police badge). The Lexus driver said- "I don't have it." I said, "Well get back in your fucking car and fuck off." At this, the male driver of the Lexus and his wife both returned to their car and drove off.

Critically, Minister Elliot did not deny he was a police officer and he did not deny he had a warrant card. He simply said at the end that he did not have it with him. At the conclusion of the statement the independent witness said:

I at no stage believed the man in the Lexus to be a policeman due to his appearance, behaviour and from what he said. He gave me the impression that he worked for the police but not in the capacity of a policeman.

Perhaps that final gloss is why the police chose to ignore the statement from the independent witness. However, the crime of impersonating a police officer does not require the attempt to be believable or credible. Clearly Minister Elliot was neither. What matters is the attempt to impersonate a police officer. The crime of impersonating a police officer is a crime against the people of New South Wales, a crime that further diminishes respect for police. It does not need the young driver to press charges. It is a crime the police should prosecute of their own volition if there is a credible independent witness to support the charge. The fact no charges were laid, the fact this independent witness was ignored is why my office is referring this whole sorry saga to the Law Enforcement Conduct Commission for an independent review. In the meantime the Premier must stand up for the integrity of her Cabinet and stand down this angry, aggressive and totally unsuitable man from his position as Minister for Police and Emergency Services. It is hard to think of a man less fit to fill that role.

MEN'S HEALTH

The Hon. NATASHA MACLAREN-JONES (00:14:32): I speak about the importance of men's health during Men's Health Month and in the lead-up to Men's Health Week. Men's Health Month takes place in June each year. This year Men's Health Week will take place from 15 June to 21 June. The aim of those initiatives is

to raise awareness of preventable health problems in men, and to encourage men to seek early detection and treatment for any health concerns. Research reveals that men face higher rates of avoidable and premature death than women due to coronary heart disease, cancer, diabetes, suicide and injury. According to the National Men's Health Strategy 2020-2030, death from injury is 2.6 times more common in males than in females, death by suicide is more than three times more common in males than in females and males die from coronary heart disease and lung cancer at twice the rate of females. Men's Health Month and Men's Health Week aim to highlight and bring attention to that disparity and provide a discussion around the various issues surrounding men's health.

According to 2019 research from the Australian National University, Australian men live longer than any other male group in the world. New South Wales was one of the first jurisdictions in the world to recognise and take action on men's health needs with the Moving Forward in Men's Health policy, a policy that identified the role gender plays as a determinant of health. Since that policy, New South Wales has continued to be a driving force in conducting research, creating services and raising awareness to improve men's health. Whilst Australian men are generally healthier and live longer than men in other countries, men's health issues remain evident and must continue to be addressed. Men's mental health is a significant issue about which awareness must continue to be raised. According to Beyond Blue, one in eight men will experience depression and one in five men will experience anxiety at some stage in their lives. Unfortunately, a stigma surrounds men's mental health because to be struggling is perceived as a sign of weakness. The notion persists that many men prefer to "go it alone", which is an unfortunate phrase that many men continue to rely on.

In considering men's mental health it is critical to note the impact that life events have on a man's overall wellbeing. The 2016 Global Health & Wellbeing Survey identified that 46 per cent of the men surveyed who had experienced a stressful life event in the previous 12 months reported suicidal thoughts. Men were also more likely to respond to life events with coping strategies that had a negative impact on their overall health, including increased alcohol, tobacco and other drug consumption, aggression and increased risk-taking behaviour. Despite the risks associated with these coping mechanisms, men display low levels of help-seeking behaviour and are unlikely to access services when they are in need.

NSW Health's NSW Men's Health Framework was established to achieve ideal health and wellbeing outcomes for boys and men across New South Wales. The first priority area of the framework aims to address mental health and the unfortunate stigma associated with it. Through the framework NSW Health is aiming to improve men's mental health and wellbeing through a range of strategies and plans such as Living Well—A Strategic Plan for Mental Health in NSW 2014-2024. The plan places an emphasis on supporting individuals with moderate to severe mental illness, including men, to remain healthy and well in their communities.

Services that understand the difficulties men face in seeking appropriate advice about their mental health are available to men nationwide. MensLine Australia is a national telephone and online support service funded by the Australian Government Department of Social Services. Staffed by professional counsellors, MensLine Australia provides a safe, private environment that offers coaching strategies and referral information 24/7. Whilst there is still some work to be done, continuing the conversation about men's health is vital. Men's Health Month and Men's Health Week are both great initiatives not only to reiterate the importance of men taking care of their health but also to highlight the need to have conversations about health issues and to reach out to seek help.

SMALL BUSINESS COVID-19 SUPPORT GRANT

The Hon. DANIEL MOOKHEY (00:19:00): The onset of the COVID-19 pandemic has sent shock waves through the small business sector. As Labor's shadow Minister for Finance and Small Business, I signal our support for the fight for small businesses throughout this crisis and well into their recovery. I have been contacted by many small business owners and workers who have been struggling with the downturn these past few months. While of course we welcome the announcement of the extension of COVID-19 support grants to the end of this month, there is much more that the Government can be doing to help the small businesses of this State.

I take this opportunity to tell some of the stories that I have heard during the lockdown and in the recovery. I start with Brooke, of Kirrawee in the Sutherland shire. Brooke started her business just last year, pouring \$100,000 of her and her partner's savings into her passion of tattooing. It takes tremendous courage to start a small business and that should be applauded. It can be a daunting process, especially if you wish to establish a tattooing parlour. I have had a firsthand education from Brooke as to how much red tape one must navigate if one wants to tattoo in New South Wales. Just six months after opening, Brooke saw her business unable to trade due to health restrictions. Of course, both the Opposition and Brooke accept the necessity of those restrictions, and of course we congratulate the community on containing the virus. However, Brooke has been unable to receive any support from the New South Wales Government purely because her business model is structured as a partnership. Despite creating income for her two subcontracted tattoo artists by starting her business, the Government has not recognised that relationship because those grant programs are predicated on the existence of an employment relationship. That is just one story.

Ankit is a dentist in western Sydney. He has been studying for years to work in his field. He recently graduated and became a sole trader in a dental practice. His revenue went from 100 per cent to effectively zero overnight, four months after he opened. Ankit told me the story of just how much money he had to invest in order to obtain the equipment that he required, but equally he spoke a lot about the leasing finance requirements that he is still subject to and must adhere to notwithstanding the fact that he cannot trade. He cannot get assistance from this program because he only started out four months ago and is a sole trader. The New South Wales Government says people like Ankit should be rewarded, but when push comes to shove it has not written the rules to make it easier for him to get the emergency support that has been promised. Businesses like Ankit's should not have to be battling red tape at the same time they are battling a downturn.

Similarly, I was recently contacted by Peter from the Southern Highlands. His business first took a hit when bushfires came within metres of his house and his business. His mobile catering business had locations and events where he used to set up shop. They were devastated by bushfires and are now shut down due to COVID. I am sure members will not be surprised that Peter is unable to claim assistance. The Minister yesterday in question time referred to his priority as being supporting those businesses that are most at risk. If the Minister is sincere in his words he would recognise that sole traders and partnerships at risk of collapse are not getting the assistance that otherwise could be made available to them if the Government was to change the eligibility rules. There seems to be no rhyme or reason why the Government has excluded businesses such as sole traders and small business partnerships from the small business grant scheme.

We have learnt in the course of this week that there is still \$350 million available and 25 days for that money to be disbursed. In addition to extending the program, a logical thing to do would be to change the eligibility rules so that \$350 million in emergency support promised to New South Wales small businesses arrives in their bank accounts. A simple change would be to be able to assess sole traders and small business partnerships using the same hardship criteria that exist now. There are 35,000 additional businesses that could get access to those \$10,000 grants if the eligibility criteria were to change. That money was promised to New South Wales small businesses. That money will be vital for New South Wales small businesses to be able to recover and pay the debts that they have deferred, which will come due very soon. That money can do more good in the bank accounts of small businesses than it can right now, sitting on the balance sheet of the Government. I sincerely hope that the Government will take this opportunity to revise those rules and make sure that small businesses such as Ankit's, Peter's and Brooke's get the help they deserve.

The DEPUTY PRESIDENT (The Hon. Taylor Martin): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 00:25 until Thursday 4 June 2020 at 10:00.