



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday 5 August 2020**

Authorised by the Parliament of New South Wales



## TABLE OF CONTENTS

Announcements .....	3223
Beirut Explosion .....	3223
Committees .....	3223
Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020.....	3223
Membership .....	3223
Documents .....	3223
TAFE NSW .....	3223
Tabling of Report of Independent Legal Arbitrator .....	3223
Committees .....	3224
Legislation Review Committee .....	3224
Membership .....	3224
Joint Standing Committee on the Office of the Valuer General.....	3224
Membership .....	3224
Motions .....	3224
Sounds of the Mountains Radio Station .....	3224
Documents .....	3224
Stronger Communities Fund.....	3224
Tabling of Report of Independent Legal Arbitrator .....	3224
The Hon. Don Harwin .....	3225
Production of Documents: Order.....	3225
Motions .....	3225
Surf Life Saving Far North Coast Branch Awards.....	3225
Documents .....	3226
The Hon. Don Harwin .....	3226
Production of Documents: Order.....	3226
Unproclaimed Legislation .....	3226
TAFE NSW .....	3226
Report of Independent Legal Arbitrator.....	3226
Stronger Communities Fund.....	3226
Report of Independent Legal Arbitrator.....	3226
Announcements .....	3226
Notices of Motions .....	3226
Committees .....	3227
Privileges Committee.....	3227
Reference .....	3227
Business of the House.....	3227
Suspension of Standing and Sessional Orders: Order of Business .....	3227
Order of Business .....	3228
Bills.....	3229

## TABLE OF CONTENTS—*continuing*

Anti-Discrimination Amendment (Sex Workers) Bill 2020.....	3229
First Reading.....	3229
Second Reading Speech.....	3229
Documents .....	3231
Icare and State Insurance Regulatory Authority .....	3231
Production of Documents: Order.....	3231
Community Funds and Grants .....	3234
Production of Documents: Order.....	3234
Motions .....	3237
FIFA Women's World Cup.....	3237
Business of the House.....	3243
Postponement of Business .....	3243
Bills.....	3243
Roads Amendment (Toll-free Period) Bill 2020 .....	3243
First Reading.....	3243
Second Reading Speech.....	3243
Questions Without Notice.....	3244
Murwillumbah East Public School .....	3244
Carriageworks Arts Precinct.....	3244
Teacher Recruitment.....	3244
Natural Resources Commission.....	3245
Start Strong Capital Works Grants Program .....	3245
Kosciuszko National Park Wild Horse Management Plan .....	3246
Cooler Classrooms Program .....	3246
Regional Youth Taskforce.....	3247
Teacher Professional Development .....	3248
Cooler Classrooms Program .....	3248
NSW Small Business Month .....	3248
Bushfires and Threatened Species .....	3249
Unflued Gas Heaters.....	3250
Regional Renewable Energy Zones.....	3251
COVID-19 and Gallipoli Mosque .....	3251
Western Sydney Mental Health Services.....	3252
Student Support Officers .....	3252
Shenhua Coalmine .....	3253
Suicide Prevention .....	3253
Cooler Classrooms Program .....	3254
Natural Resources Commission.....	3254
Supplementary Questions for Written Answers .....	3255
Carriageworks Arts Precinct.....	3255
Teacher Professional Development .....	3255
Questions Without Notice: Take Note.....	3255

## TABLE OF CONTENTS—*continuing*

Take Note of Answers to Questions .....	3255
Cooler Classrooms Program .....	3255
Unflued Gas Heaters .....	3255
Unflued Gas Heaters .....	3256
Unflued Gas Heaters .....	3256
Suicide Prevention .....	3256
Murwillumbah East Public School .....	3257
Regional Renewable Energy Zones .....	3257
COVID-19 and Gallipoli Mosque .....	3257
NSW Small Business Month .....	3258
Kosciuszko National Park Wild Horse Management Plan .....	3258
Start Strong Capital Works Grants Program .....	3259
Kosciuszko National Park Wild Horse Management Plan .....	3259
Carriageworks Arts Precinct .....	3259
Take Note of Answers to Questions .....	3260
Written Answers to Supplementary Questions .....	3260
Land Tax .....	3260
Bills .....	3261
Defamation Amendment Bill 2020 .....	3261
First Reading .....	3261
Private Members' Statements .....	3261
Warnervale Woolworths Distribution Centre .....	3261
Tribute to Mario Previtera .....	3261
Orange Sports Precinct .....	3262
COVID-19 and Mental Health .....	3262
Sustainable Population .....	3263
Tribute to Malcolm Brooks, OAM .....	3263
Sydney Music History .....	3264
Land Clearing .....	3264
Native Forest Logging .....	3265
Disability Advocacy Services .....	3265
Kosciuszko National Park Wild Horse Management Plan .....	3266
Committees .....	3266
Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 .....	3266
Message .....	3266
Documents .....	3266
Execution of Search Warrants .....	3266
Tabling of Documents .....	3266
Rulings .....	3267
Community Funds and Grants .....	3267
Documents .....	3267

## TABLE OF CONTENTS—*continuing*

Community Funds and Grants .....	3267
Bills .....	3268
Roads Amendment (Toll-free Period) Bill 2020 .....	3268
Second Reading Speech.....	3268
Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020.....	3270
First Reading.....	3270
Second Reading Speech.....	3270
Motions .....	3274
COVID-19 and Charitable and Community Organisations .....	3274
Bills .....	3278
State Revenue Legislation Amendment (COVID-19 Housing Response) Bill 2020 .....	3278
Personal Injury Commission Bill 2020.....	3278
Messages.....	3278
Documents .....	3278
Public School Enrolments.....	3278
Production of Documents: Order.....	3278
Bills .....	3279
Education Legislation Amendment (Parental Rights) Bill 2020 .....	3279
First Reading.....	3279
Second Reading Speech.....	3279
Committees .....	3284
Portfolio Committee No. 3 - Education .....	3284
Reference .....	3284
Documents .....	3284
Unflued Gas Heaters.....	3284
Production of Documents: Order.....	3284
NSW Police Force .....	3285
Production of Documents: Order.....	3285
Motions .....	3289
Pharmacy Mental Health Services.....	3289
Documents .....	3291
Western Harbour Tunnel and Beaches Link.....	3291
Correspondence .....	3291
Water Infrastructure.....	3292
Production of Documents: Order.....	3292
South East Sydney Integrated Service Plan.....	3294
Production of Documents: Order.....	3294
Bills .....	3296
Gas Legislation Amendment (Medical Gas Systems) Bill 2020 .....	3296
First Reading.....	3296
Documents .....	3296

## TABLE OF CONTENTS—*continuing*

Australian National Baboon Colony.....	3296
Production of Documents: Order.....	3296
Brandy Hill Quarry.....	3299
Production of Documents: Order.....	3299
Motions.....	3300
Domestic Violence.....	3300
Bills.....	3306
Water Management Amendment (Transparency of Water Rights) Bill 2020.....	3306
Second Reading Speech.....	3306
Second Reading Debate.....	3306
In Committee.....	3314
Adoption of Report.....	3316
Third Reading.....	3316
Documents.....	3316
Koala Populations and Habitat.....	3316
Production of Documents: Order.....	3316
Business of the House.....	3319
Suspension of Standing and Sessional Orders: Order of Business.....	3319
Order of Business.....	3319
Documents.....	3319
Department of Education Assets.....	3319
Production of Documents: Order.....	3319
Business of the House.....	3320
Postponement of Business.....	3320
Documents.....	3320
Auditor-General.....	3320
Report: Their Futures Matter.....	3320
Stronger Country Communities Fund.....	3329
Production of Documents: Order.....	3329
Bills.....	3330
Crimes Amendment (Zoe's Law) Bill 2019.....	3330
Second Reading Debate.....	3330
Adjournment Debate.....	3330
Adjournment.....	3330
Catholic Commission for Employment Relations.....	3330
COVID-19.....	3331
Western Sydney Jobs Growth.....	3332
Delegated Legislation.....	3333
Yanco Agricultural High School.....	3334
Tribute to John Robert Lewis.....	3335

# LEGISLATIVE COUNCIL

**Wednesday 5 August 2020**

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

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

## *Announcements*

### **BEIRUT EXPLOSION**

**The PRESIDENT (10:01:51):** Yesterday, Tuesday 4 August 2020, a huge explosion rocked downtown Beirut, the capital of Lebanon. The cause of the explosion is not yet clear. The explosion has destroyed large parts of downtown Beirut, killing at least 73 people and hundreds are still missing. Prime Minister the Hon. Scott Morrison confirmed this morning that one of the people killed is an Australian citizen. More than 3,700 people are injured. On behalf of the House I will send our thoughts and prayers to the people of Lebanon at this difficult time and will write to the Consul-General of Lebanon in Sydney to share those thoughts and prayers.

*Members and officers of the House stood in their places as a mark of respect.*

## *Committees*

### **JOINT SELECT COMMITTEE ON THE ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND EQUALITY) BILL 2020**

#### **Membership**

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

- (1) That Mr Shaoquett Moselmane be discharged from the Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill.
- (2) That:
  - (a) the resolution of 18 June 2020 appointing the Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill be amended by omitting paragraph (5) and inserting instead:

"(5) The committee to consist of:

    - (a) Nine members of the Legislative Assembly as follows:
      - (i) Three Government members, namely the Hon. Gabrielle Upton, MP, (Chair); Ms Robyn Preston, MP; and Mr Gurmeh Singh, MP;
      - (ii) Three Opposition members, namely Mr Paul Lynch, MP, (Deputy Chair); Ms Tania Mihailuk, MP; and Mr Jihad Dib, MP; and
      - (iii) Three crossbench members, namely Mr Alex Greenwich, MP; Ms Jenny Leong, MP; and Mr Joe McGirr, MP.
    - (b) Five members of the Legislative Council, namely three Government members, one Opposition member, and one crossbench member."
  - (b) this House requests the Legislative Assembly agree to a similar resolution.

**Motion agreed to.**

## *Documents*

### **TAFE NSW**

#### **Tabling of Report of Independent Legal Arbiter**

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

- (1) That the report of the Independent Legal Arbiter, the Hon Keith Mason AC, QC, on the disputed claim of privilege on documents relating to an order for papers regarding TAFE underpayments, be laid on the table by the Clerk.
- (2) That, on tabling, the report and submissions are authorised to be published.

**Motion agreed to.**

*Committees***LEGISLATION REVIEW COMMITTEE****Membership**

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

That under section 5 of the Legislation Review Act 1987, Mr Shaoquett Moselmane be discharged from the Legislation Review Committee and Mr Anthony D'Adam be appointed as a member of the committee.

**Motion agreed to.**

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

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

**Motion agreed to.**

**JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL****Membership**

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

That Mr Moselmane be discharged from the Joint Standing Committee on the Office of the Valuer General and Mr Mookhey be appointed as a member of the committee.

**Motion agreed to.**

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

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

**Motion agreed to.**

*Motions***SOUNDS OF THE MOUNTAINS RADIO STATION**

**The Hon. WES FANG (10:08:06):** I move:

- (1) That this House notes that:
  - (a) during the recent summer bushfires, local station manager David Eisenhower worked up to 18 hours a day for 50 days at Tumut's Sounds of the Mountains radio station as the Dunns Road fire tore through the Snowy Valley;
  - (b) on one occasion a widespread blackout left his local station as the only voice in the region while the fire bore down on Adelong, providing important and potentially lifesaving updates from the RFS; and
  - (c) Mr Eisenhower's team were often sleeping in the station at the height of the fires and spent weeks broadcasting information direct from the RFS and other authorities.
- (2) That this House:
  - (a) recognises the vital importance of local radio to rural and regional communities and the invaluable service they provide on a day-to-day basis; and
  - (b) commends Mr Eisenhower and his team for their dedication and steadfastness during the summer of fires and for going above and beyond for their community.

**Motion agreed to.**

*Documents***STRONGER COMMUNITIES FUND****Tabling of Report of Independent Legal Arbitrator**

**Mr DAVID SHOEBRIDGE:** I move:

- (1) That the report of the Independent Legal Arbitrator, the Hon Keith Mason AC, QC, dated 17 July 2020 on the disputed claim of privilege on documents relating to an order for papers regarding the Stronger Communities Fund be laid on the table by the Clerk.
- (2) That, on tabling, the report and submissions are authorised to be published.

**Motion agreed to.**

**THE HON. DON HARWIN****Production of Documents: Order**

**The Hon. MARK BANASIAK (10:09:21):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet or the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts relating to the records of motor vehicle use by the Hon. Don Harwin:

- (a) all documents, including any log books, vehicle use registers, records of trips, toll accounts or usage, drivers' records, diary entries, emails and other electronic communications, or fuel card or fuel use records concerning the use of any motor vehicle assigned to, used by or used on behalf of the Hon. Don Harwin between 13 March 2020 to 10 April 2020 inclusive; 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***SURF LIFE SAVING FAR NORTH COAST BRANCH AWARDS**

**The Hon. BEN FRANKLIN (10:09:40):** I move:

- (1) That this House notes that:
  - (a) on Saturday 20 June 2020 the Surf Life Saving Far North Coast Branch held its Awards of Excellence for the 2019-2020 season;
  - (b) the awards were streamed online for the first time in the branch's history due to the COVID-19 pandemic restrictions;
  - (c) the Surf Life Saving Far North Coast Branch combines 10 surf lifesaving clubs, a jet rescue boat service and the North Coast Boat Series extending from Fingal Head in the north to Yamba in the south;
  - (d) Awards of Excellence recognised the dedication of members to Surf Life Saving and their outstanding commitment to keep all beachgoers safe; and
  - (e) recipients of the Awards were:
    - (i) Young Surf Life Saver of the Year—Bede Curnow—Cudgen Headland;
    - (ii) Lifesaver of the Year—Paul Ransom—Fingal Rovers;
    - (iii) Patrol Captain of the Year—Beau Monks—Byron Bay;
    - (iv) Patrol Team of the Year—Patrol 4—Fingal Rovers;
    - (v) Training Officer of the Year—Matthew Bell—Cudgen Headland;
    - (vi) Assessor of the Year—Kris Beavis—Ballina Lighthouse and Lismore;
    - (vii) Facilitator of the Year—Michael Pontefract—Evans Head and Casino;
    - (viii) Services Team of the Year—Cudgen Headland Event Organising Team;
    - (ix) Administrator of the Year—David Rope—Cudgen Headland;
    - (x) Official of the Year—Debbie Pawsey—Evans Head and Casino;
    - (xi) Coach of the Year—Samantha Miller—Lennox Head and Alstonville;
    - (xii) Masters Athlete of the Year—Joe Dougherty—Yamba;
    - (xiii) Surf Sports Athlete of the Year—Bailey Copeland—Cudgen Headland;
    - (xiv) Young Surf Sports Athlete of the Year—Lily O'Sullivan—Cudgen Headland;
    - (xv) Surf Sports Team of the Year—Cudgen Headland Pool Rescue Team;
    - (xvi) Young Volunteer of the Year—Sven Loemker—Cudgen Headland;
    - (xvii) Volunteer of the Year—David Field—Cudgen Headland;
    - (xviii) Jacob Lollback Encouragement Trophy—Luke Chaffer—Cudgen Headland;
    - (xix) President's Trophy—Lily O'Sullivan—Cudgen Headland;
    - (xx) Competition Point Score Trophy—Cudgen Headland SLSC;
    - (xxi) Newcastle Permanent Junior Club of the Year—Salt SLSC;
    - (xxii) Newcastle Permanent Education Club of the Year—Cudgen Headland SLSC;
    - (xxiii) Newcastle Permanent Administration Club of the Year—Cudgen Headland SLSC;

- (xxiv) Newcastle Permanent Surf Sports Club of the Year—Cudgen Headland SLSC;
  - (xxv) Newcastle Permanent Lifesaving Club of the Year—Byron Bay SLSC;
  - (xxvi) Newcastle Permanent Overall Club of the Year—Cudgen Headland SLSC; and
  - (xxvii) recognition Plaque awarded to Ballina Jet Boat "Surf Rescue 40" Far North Coast Crew, for outstanding service to Surf Life Saving on the Far North Coast Branch over the last 49 years.
- (2) That this House congratulates:
- (a) all award recipients for their hard work and dedication to Surf Life Saving;
  - (b) all clubs and their members for their contribution to communities across the Far North Coast; and
  - (c) Surf Life Saving Far North Coast Branch for their innovation during the COVID-19 pandemic in streaming the 2019-2020 Awards of Excellence online.

**Motion agreed to.**

*Documents*

**THE HON. DON HARWIN**

**Production of Documents: Order**

**The Hon. MARK LATHAM (10:10:08):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Minister for Police and Emergency Services, New South Wales Police Force, or the Department of Community and Justice relating to breach of public health order by the Hon. Don Harwin:

- (a) all documents, including emails and other electronic communications, concerning any investigation or enquiries undertaken or decisions made by the New South Wales Police Force regarding potential or actual breaches of orders made under the Public Health Act 2010 in relation to the COVID-19 restrictions on gathering or quarantine by the Hon. Don Harwin or Mr Geoffrey Winters;
- (b) all documents, including emails and other electronic communications concerning any penalty infringement notice issued to the Hon. Don Harwin in relation to a breach of orders made under the Public Health Act 2010 concerning the COVID-19 restrictions on gathering and movement; 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.

**Motion agreed to.**

**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 4 August 2020.

**TAFE NSW**

**Report of Independent Legal Arbiter**

**The CLERK:** I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 17 July 2020, on the disputed claim of privilege on documents relating to TAFE underpayments.

**STRONGER COMMUNITIES FUND**

**Report of Independent Legal Arbiter**

**The CLERK:** I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 17 July 2020, on the disputed claim of privilege on documents relating to the Stronger Communities Fund.

*Announcements*

**NOTICES OF MOTIONS**

**The PRESIDENT (10:12:10):** I propose that when I call a member to give a notice of motion, I will permit the member to deliver all of their notices of motions. I still propose to deal with notices of motions by calling Ministers, Leader of the Opposition, then Opposition, crossbench and Government in that order.

*Committees***PRIVILEGES COMMITTEE****Reference**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:13:00):** By leave: I move:

- (1) That the Privileges Committee inquire into and report on the status of documents and other things the subject of claims of parliamentary privilege arising from the execution of search warrants by the Australian Federal Police [AFP] on the parliamentary office and home of the Hon. Shaoquett Moselmane on 26 June 2020 and in relation to the data and emails of the Hon. Shaoquett Moselmane on 24 July 2020.
- (2) That the committee recommend to the House which of the disputed material falls within the scope of proceedings in Parliament.
- (3) That the committee, for the purposes of making its determination, have access to the relevant search warrants and the indexes of documents and other things in dispute prepared by the AFP and the Hon. Shaoquett Moselmane's legal representative, and seek submissions from the Clerk, the Hon. Shaoquett Moselmane and the AFP regarding the claims of privilege.
- (4) That, in recommending which documents are privileged, the committee apply the test used in the determination of the matters involving documents seized by the Independent Commission Against Corruption from the Hon. Peter Breen in 2003 and 2004, as amended by the Senate Privileges Committee in its 164th Report, dated March 2017, entitled *Search warrants and the Senate*.
- (5) That, if a recommendation cannot be made on the basis of the index and submissions received, the committee be given access to the privileged material held in the custody of the Clerk of the Parliaments.

Mr President, I do not want to quibble with the observations made by you yesterday regarding the purported application made to the High Court by an unknown applicant, who is seeking that this House does not make any determinations until such time as that application relating to the constitutional issue has been dealt with. With all due respect to that observation and submission made to you, the submission of the Government side of the House—and I anticipate that of all members of this place—is that this place is sovereign of its own affairs. The question of access to the Parliament and the seizure of documents from a member of this place is a substantial question that needs to be determined and should not have to wait for the High Court determination, which could be 12 months hence. It could be at any period.

The submission that we should not do anything until the raid on the Parliament is determined leaves in abeyance the question of access to this House by law enforcement officers and the manner and protocols about access to the House. We think it is important that the privilege issue be determined and that protocols be set in place. We ought to put in train the privilege claim relating to those documents right now and set up protocols for the circumstances in which the Australian Federal Police or other law enforcement officers ought to seek access to the records and affairs of members of the House. I seek leave to refer the matter today.

**The Hon. ADAM SEARLE (10:17:13):** For the reasons the Leader of the House has outlined, the Labor Opposition supports the motion. Further delay in commencing the process for evaluating the privilege claims that have been raised would be unwarranted. While the motion is a referral to the Privileges Committee for evaluation, this House remains the master of its own destiny and procedures. Any recommendation emerging from the Privileges Committee would come here for determination. To take the point raised by the Leader of the Government, if we were wait another five weeks on the current timetable before even getting around to thinking about those matters, that would cause further difficulty for this place and for one member in particular, whose documents and other material have been seized pursuant to a warrant.

It is important to start the process of the Privileges Committee deliberation to occur as swiftly and efficiently as the issues and time would permit. Any final decision on those matters would be a matter for us. If there is the need for caution or a need to pause the matter because of proceedings in the High Court or otherwise, we will have the opportunity to consider it before we take any course of action. Labor welcomes and supports the motion of the Leader of the House.

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

**Motion agreed to.**

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

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

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

**Motion agreed to.****ORDER OF BUSINESS****The Hon. NATASHA MACLAREN-JONES (10:29:14):** I move:

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

- (1) Private members' business item No. 587 standing in the name of Ms Abigail Boyd relating to the Anti-Discrimination Amendment (Sex Workers) Bill.
- (2) Private members' business item No. 605 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding Insurance and Care NSW and the State Insurance Regulatory Authority.
- (3) Private members' business item No. 596 standing in the name of the Hon. Adam Searle relating to an order for papers regarding community funds and grants.
- (4) Private members' business item No. 604 standing in the name of the Hon. Natalie Ward relating to the 2023 FIFA Women's World Cup.
- (5) Private members' business item No. 606 standing in the name of the Hon. Emma Hurst relating to penalties for animal cruelty.
- (6) Private members' business item No. 614 standing in the name of the Hon. John Graham relating to the Roads Amendment (Toll-free Period) Bill.
- (7) Private members' business item No. 603 standing in the name of Ms Cate Faehrmann relating to the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill.
- (8) Private members' business item No. 613 standing in the name of the Hon. Ben Franklin relating to the COVID-19 pandemic support by charitable and community organisations.
- (9) Private members' business item No. 620 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding enrolment capacity of public schools.
- (10) Private members' business item No. 609 standing in the name of the Hon. Mark Latham relating to the Education Legislation Amendment (Parental Rights) Bill.
- (11) Private members' business item No. 622 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the Cooler Classrooms Program.
- (12) Private members' business item No. 643 standing in the name of Mr David Shoebridge relating to an order for papers regarding civil claims against police.
- (13) Private members' business item No. 607 standing in the name of the Hon. Wes Fang relating to mental health community pharmacy training program.
- (14) Private members' business item No. 636 standing in the name of Mr Justin Field relating to an order for papers regarding dam infrastructure projects.
- (15) Private members' business item No. 597 standing in the name of the Hon. Adam Searle relating to an order for papers regarding South East Sydney Integrated Service Plan.
- (16) Private members' business item No. 621 standing in the name of the Hon. Emma Hurst relating to an order for papers regarding Australian National Baboon Colony at Wallacia.
- (17) Private members' business item No. 598 standing in the name of the Hon. Adam Searle relating to an order for papers regarding Brandy Hill Quarry expansion proposal.
- (18) Private members' business item No. 564 standing in the name of Ms Abigail Boyd relating to domestic violence statistics.
- (19) Private members' business item No. 490 standing in the name of the Hon. Mark Banasiak relating to the Water Management Amendment (Transparency of Water Rights) Bill.
- (20) Private members' business item No. 612 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding koala habitat and populations.
- (21) Private members' business item No. 608 standing in the name of the Hon. Peter Primrose relating to an order for papers regarding drought modelling for the Lachlan River.
- (22) Private members' business item No. 592 standing in the name of the Hon. Penny Sharpe relating to the consideration of Performance Audit report of the Auditor-General entitled *Their Futures Matter*, dated July 2020.
- (23) Private members' business item No. 642 standing in the name of Mr David Shoebridge relating to an order for papers regarding Stronger Country Communities applications.
- (24) Private members' business item No. 139 standing in the name of Reverend the Hon. Fred Nile relating to the Crimes Amendment (Zoe's Law) Bill 2019.
- (25) Private members' business item No. 488 standing in the name of the Hon. Natasha Maclaren-Jones relating to the seventy-fifth anniversary of Victory in Europe Day.
- (26) Private members' business item No. 602 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding NSW Commercial Fisheries Business Adjustment Program.

- (27) Private members' business item No. 637 standing in the name of Mr Justin Field relating to an order for papers regarding Lower Hunter Water Sharing Plan.
- (28) Private members' business item No. 625 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding aerial baiting of dog and dingo populations.
- (29) Private members' business item No. 563 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding department and agency assets—Department of Education.
- (30) Private members' business item No. 644 standing in the name of Mr David Shoebridge relating to an order for papers regarding video footage of the Minister for Police and Emergency Services.
- (31) Private members' business item No. 540 standing in the name of the Hon. Adam Searle relating to an order for papers regarding Clean Air for NSW.
- (32) Private members' business item No. 479 standing in the name of the Hon. Adam Searle relating to an order for papers regarding the Long Service Corporation.
- (33) Private members' business item No. 538 standing in the name of the Hon. Adam Searle relating to an order for papers regarding department and agency assets—Department of Planning, Industry and Environment.

I indicate that it has been agreed that private members' business items at paragraph Nos 2 to 5, 8 to 18, 20, 21 and 26 to 33 will be considered in the new short form format.

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

**Motion agreed to.**

### *Bills*

## **ANTI-DISCRIMINATION AMENDMENT (SEX WORKERS) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**Ms ABIGAIL BOYD (10:36:45):** I move:

That this bill be now read a second time.

In 1995, after years of campaigning, New South Wales became a world leader as the first jurisdiction to decriminalise sex work. The passage of the Disorderly Houses (Amendment) Act 1995 was long overdue and came in the aftermath of the Royal Commission into the New South Wales Police Service that found there was a:

... clear nexus between police corruption and the operation of brothels.

Paul Whelan, police Minister in the government of the day, said on the bill's introduction in 1995:

We should all remember that primarily this legislation is intended to remove corruption from the industry and protect the health of sex workers and their clients. It has been nearly 25 years since the decriminalisation of sex work and in that time the evidence has been clear: Decriminalisation works. It protects workers and it saves lives. Yet despite the clear intentions of the bill—to protect the health and wellbeing of sex workers—progress has long since stalled. Sex workers are routinely discriminated against for their chosen occupation. They are denied housing, refused services and forced to endure the entrenched stigma embedded deep within our society, day in and day out. It is time for that to end. It is in this spirit that I, on behalf of The Greens, introduce the Anti-Discrimination Amendment (Sex Workers) Bill 2020. This bill will make a small but meaningful contribution to upholding the rights of workers who choose this profession. Many more changes are required—both formal changes in the law and, more broadly speaking, cultural changes in our society. This bill can begin that process by remedying that gap in the Anti-Discrimination Act.

I recognise and thank three organisations that The Greens have worked closely with to ensure that the bill does what they need it to do. I thank the Scarlet Alliance, Australian Sex Workers Association, which is the national peak sex worker organisation; the Sex Workers Outreach Project, or SWOP, a community-based organisation focused on education and health promotion in New South Wales; and Touching Base, which assists and advocates for people with disability and for sex workers. Working closely with those organisations and hearing about the work they do to advocate for workers in their chosen profession has demonstrated clearly to me why reform is necessary. I thank them for their kindness, grace and good humour, for their time and most importantly for trusting me to move the bill to amend the Anti-Discrimination Act in this place.

The bill will provide much-needed protections for thousands of sex workers in New South Wales. Those workers have countless stories of discrimination—everything from a nudge and a wink to the loss of housing or employment, the denial of essential services and serious assault. One sex worker put it this way:

[Discrimination] means not answering the question "what do you do?" without considering that at best, I'll probably end up answering a bunch of naff questions to satisfy someone's curiosity, at worst, someone will cut off from me and do something hostile. Discrimination means applying for a job and leaving big chunks of things out, hoping the police check doesn't disqualify me. Discrimination means trying to rent a place, to work without being able to declare my income, give a job reference or tell the landlord what I really intend to do there ...

The sharp end of discrimination is assault. The Australian Centre for the Study of Sexual Assault notes that few studies have examined the assault of sex workers. In 1991 Roberta Perkins, an Australian sociologist, writer, and transgender and sex worker rights activist, found that 20 per cent of respondents in New South Wales said they had been raped at work—half more than once. Almost half of respondents reported that they had been raped outside of work, almost always by a close contact. Perkins suggested that the disproportionately high rate of sexual assault against sex workers in their private lives resulted from:

... men who knew that they worked as prostitutes and ... assumed that they had access to them at any time.

There is evidence that the assault and harassment of sex workers is under-reported. The Australian Centre for the Study of Sexual Assault found that the primary reason for non-reporting by sex workers is a lack of faith that the police and courts will hold offenders accountable. Assault and workplace harassment are already offences and the bill does not directly address them, but discrimination is systemic. Addressing some problems directly will help to address other problems indirectly. The provisions of the bill mirror similar provisions of the Anti-Discrimination Act. Fifteen distinct provisions make discriminatory treatment of sex workers or those who were previously sex workers unlawful in various contexts. Division 2 makes it unlawful to discriminate in work on the grounds of a person's occupation as a sex worker. A joint project of the Scarlet Alliance and the Australian Federation of AIDS Organisations called *Unjust and Counter-Productive: The Failure of Governments to Protect Sex Workers from Discrimination* includes firsthand accounts of discrimination. One worker said:

I would never disclose to a prospective employer of a "straight" job that I was/am a sex worker because of fear of discrimination.

That fear is understandable. In 2005 a Brisbane high school teacher was reported to their principal for working a second job at a brothel. The report was made by a fellow teacher at the same school, who visited the brothel as a client. Both people were acting legally, yet it was only the female sex worker who was penalised. The Sex Worker Outreach Project receives many reports of sexual harassment in the workplace. SWOP argues that overarching issues contribute to the disempowerment of sex workers—namely stigma, negative social attitudes to sex work and gender inequality.

Redfern Legal Centre asserts that because much sexual harassment at work involves bullying and discrimination, attempts at remedy usually involve anti-discrimination legislation. However, in New South Wales a lack of occupational discrimination legislation makes that much more difficult for sex workers. The Australian Human Rights Commission has also argued that discrimination by occupation is a serious gap in the current Federal legislation. Proposed section 50AI makes it unlawful for a body that deals with authorisations or qualifications to discriminate against sex workers. For example, there is discrimination in how local councils effectively authorise sex work through the zoning of premises and requirements for development applications. Research by the University of Technology Sydney and Touching Base found that between 2013 and 2015 in the Sydney metropolitan area only 15 per cent of complaints about sex service premises required further action.

The research also found that just three councils were responsible for 96 per cent of all complaint actions. All 15 of the complaints in North Sydney came from a single person and resulted in three complaint actions. Councils further discriminate when authorising working from home, which I will return to when addressing discrimination in housing. Proposed section 50AL makes it unlawful to discriminate against sex workers when providing goods and services. Many sex workers report that they feel the need to be careful about who they disclose their occupation to during business or day-to-day living experiences. In a story in the *Unjust and Counter-Productive* report one person said:

An application for a credit card interest free period didn't ask my income—just occupation. I lied and said I was a receptionist. My application was refused as a receptionist income couldn't make the necessary repayments. When I told the bank my actual occupation I was told I could be done for fraud and my application was still refused.

Another example is discrimination when purchasing advertising services. Sex workers are restricted, often unofficially, when it comes to the medium and content of advertising. Sex workers often require specific content in their advertising for professional and safety reasons, yet they often face restrictions that are not applied to other comparable businesses. Proposed section 50AM makes it unlawful to discriminate in the context of accommodation. In its submission to the Australian Human Rights Commission's inquiry into sexual harassment in workplaces, the Sex Worker Outreach Project argued that being outed as a sex worker exposes people to homelessness—for example, if they rent a property where the property owner or real estate agent discriminates against sex workers or if they own an apartment where the body corporate discriminates against sex workers.

Local councils discriminate in the context of accommodation through their regulation of working from home. Touching Base has found that the City of Sydney is the only council in the Sydney metropolitan area that allows sex workers to work from home, regulated in line with all other home occupations. Most other councils only allow sex work in industrial zones. There is no evidence that this increases amenity and safety for anybody. That can happen even in more progressive local government areas. In 2010 the Marrickville council moved to prohibit sex service premises from all zones except industrial zones. That made working from home almost impossible, which is less safe for workers and clients.

When New South Wales decriminalised the industry in 1995 it was a world leader in the rights of sex workers, but that was 25 years ago. To date stigma, harassment and discrimination remains embedded and entrenched. The bill offers long-overdue, concrete legal protections to sex workers, for which sex workers and the organisations that steadfastly represent them have long been campaigning. A number of other pressing reforms to the Anti-Discrimination Act are required, but the bill is a positive step forward. Sex work is work, despite the wowsers and moralisers, institutional discrimination and the hypocrites who wag their finger at sex workers with one hand while seeking their services with the other. It is the view of The Greens that all workers, no matter their chosen profession, should be treated with dignity and respect inside and outside their workplace. In 2020 it is time to end the stigma, stop the discrimination and protect sex workers from harassment for simply doing their job. I commend the bill to the House.

**Debate adjourned.**

### *Documents*

## **ICARE AND STATE INSURANCE REGULATORY AUTHORITY**

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

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

That private members' business item No. 605 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (10:49:49):** I seek leave to amend private members' business item No. 605 outside the order of precedence for today of which I have given notice as follows:

- (1) Insert after paragraph (a):
  - , including:
    - (i) the final report of the external investigation commissioned by the icare board into allegations of a conflict of interest arising from the issuing of contracts to the spouse of the icare CEO, referred to by the Treasurer in an answer to a question without notice asked in the Legislative Assembly on 4 August 2020;
    - (ii) all updates or notifications provided by icare to the Treasury or Treasurer's office regarding travel by icare staff, referred to by the Treasurer in an answer to a question without notice asked in the Legislative Assembly on 4 August 2020;
    - (iii) all briefing materials and documents sent to the person or organisation who undertook the external investigation commissioned by the icare board as referred to in paragraph (a) (i) of this order; and
    - (iv) all communications to and from the Treasurer's office regarding the external investigation and subject matter referred to above.
- (2) Insert after paragraph (c) (xvii):
  - (xviii) all contracts issued by icare to the spouse of the icare CEO;
  - (xix) the final report of the external investigation commissioned by the icare board into allegations of a conflict of interest arising from the issuing of contracts to the spouse of the icare CEO, referred to by the Treasurer in an answer to a question without notice asked in the Legislative Assembly on 4 August 2020;
  - (xx) all documents provided by icare to the Treasury or Treasurer's office regarding travel by icare staff, referred to by the Treasurer in an answer to a question without notice asked in the Legislative Assembly on 4 August 2020;
  - (xxi) a list of all international travel by icare employees and contractors, including the cost of travel and the party who incurred the costs;
  - (xxii) any application for approval to the icare board for the icare CEO to travel to Las Vegas to attend the Guidewire Conference held in October 2018, and all documents identifying the decision of the board in response to the application;
  - (xxiii) all conflict-of-interest forms signed by any icare employee since 1 January 2018;
  - (xxiv) the contracts issued to Perceptive by icare referred to on the *Four Corners* programme on 27 August 2020; and
  - (xxv) all project service orders issued by icare to EML under icare's contracts with EML since 1 January 2018.

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents relating to Insurance and Care NSW [icare] and the State Insurance Regulatory Authority:

- (a) all documents created since 13 May 2020 in the possession, custody or control of the Treasurer, The Treasury, the Minister for Customer Service or the Department of Customer Service regarding icare, including:
  - (i) the final report of the external investigation commissioned by the icare board into allegations of a conflict of interest arising from the issuing of contracts to the spouse of the icare CEO, referred to by the Treasurer in an answer to a question without notice asked in the Legislative Assembly on 4 August 2020;
  - (ii) all updates or notifications provided by icare to the Treasury or Treasurer's Office regarding travel by icare staff, referred to by the Treasurer in an answer to a question without notice asked in the Legislative Assembly on 4 August 2020;
  - (iii) all briefing materials and documents sent to the person or organisation who undertook the external investigation commissioned by the icare board as referred to in paragraph (a) (i) of this order; and
  - (iv) all communications to and from the Treasurer's Office regarding the external investigation and subject matter referred to above.
- (b) all documents created since 13 May 2020 in the possession, custody or control of the State Insurance Regulatory Authority relating to mispayment of the pre-injury average weekly earnings [PIAWE] payments;
- (c) the following documents in the possession, custody or control of Insurance and Care NSW:
  - (i) all documents prepared for all icare board meetings since 1 January 2018;
  - (ii) all documents which record decisions made by the board since 1 January 2018;
  - (iii) all documents created since 1 January 2018 for all meetings of the icare board's Investment and Asset Committee, People and Remuneration Committee, Customer, Innovation and Technology Committee, Audit and Risk Committee and Foundation Committee;
  - (iv) all documents which record decisions made by the icare board's Investment and Asset Committee, People and Remuneration Committee, Customer, Innovation and Technology Committee, Audit and Risk Committee and Foundation Committee;
  - (v) Mr John Nagle's contract of employment as icare Chief Executive Officer;
  - (vi) the current contracts of employment for all icare group executives;
  - (vii) a document listing all bonus or performance-based payments received by an icare executive in addition to their salary, including the value of each bonus or performance-based payment, and the recipient of the payment by year or financial year as applicable;
  - (viii) all documents disclosing any decisions to withhold or reduce the bonus paid to Mr John Nagle, as referred to by Mr John Nagle in evidence to the Legislative Council Standing Committee on Law and Justice on 3 July 2020;
  - (ix) all correspondence between the icare CEO and chair of the icare board since 1 January 2019;
  - (x) all documents regarding Mr John Nagle's offer to resign in 2019 and his decision to resign in 2020;
  - (xi) all risk registers prepared by all icare business units between 2016-20;
  - (xii) all documents prepared by the icare Internal Compliance Team regarding the review of any icare contract between 2016-20;
  - (xiii) all documents relating to the tender and selection of RSA Archer and Perceptive as contractors to icare in any capacity;
  - (xiv) all documents relating to the tender and selection of CapGemini as an icare contractor;
  - (xv) all documents produced for or recording any meeting held by the icare board Audit Risk and Compliance Committee where external actuaries attended to discuss claims liabilities and the solvency of the nominal insurer and the TMF funds;
  - (xvi) all contracts entered into between Korn Ferry and icare;
  - (xvii) all documents produced by Korn Ferry for icare and by icare for Korn Ferry;
  - (xviii) all contracts issued by icare to the spouse of the icare CEO;
  - (xix) the final report of the external investigation commissioned by the icare board into allegations of a conflict of interest arising from the issuing of contracts to the spouse of the icare CEO, referred to by the Treasurer in an answer to a question without notice asked in the Legislative Assembly on 4 August 2020;
  - (xx) all documents provided by icare to the Treasury or Treasurer's Office regarding travel by icare staff, referred to by the Treasurer in an answer to a question without notice asked in the Legislative Assembly on 4 August 2020;
  - (xxi) a list of all international travel by icare employees and contractors, including the cost of travel and the party who incurred the costs;

- (xxii) any application for approval to the icare board for the icare CEO to travel to Las Vegas to attend the Guidewire Conference held in October 2018, and all documents identifying the decision of the board in response to the application;
  - (xxiii) all conflict-of-interest forms signed by any icare employee since 1 January 2018;
  - (xxiv) the contracts issued to Perceptive by icare referred to on the *Four Corners* program on 27 August 2020; and
  - (xxv) all project service orders issued by icare to EML under icare's contracts with EML since 1 January 2018.
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will not canvass extensively the issues that have surfaced. However, I make one general point: The manner in which members of this House, on a cross-party basis, have conducted themselves when dealing with this serious matter, whether in this Chamber or in the Standing Committee on Law and Justice chaired by the Hon. Wes Fang, befits the dignity and reputation of the House as a house of review. It attests to the power of parliaments to obtain answers in order to hold the Executive side of Government accountable for its decisions. It is a reflection not only on this House and on its powers but also on the professionalism of members from all parties. I place that observation on record to give context to my motion calling on the House to exercise again its power to call for papers.

Members will recall that in May this year the Opposition moved an extensive call for papers motion. In some respects, the motion arises from developments since that first call for papers in the public arena and in hearings conducted by the Standing Committee on Law and Justice. It is a response also to the narrow reading of the terms of the first order for papers by a particular government agency. My view is that the House must use its power again because compliance with the first order could have been better—phrasing it generously. I will not say more than that. From conversations with the Government, I understand that it might have an objection to some of the time limits sought by the motion. The motion seeks production of the papers within 14 days. The first call for papers gave 46 days for compliance by all agencies. That was generous by the standards of this House.

This motion requires production in 14 days. In part, that is because the agency responsible for providing the bulk of the documents could have complied more extensively with the first order. In the circumstances, 14 days is appropriate. In other instances where the House has determined that an order for papers has not been complied with in spirit, the House has insisted on compliance within seven days, three days and even one day. Given the seriousness of the matter and the need for this to be done professionally, I believe two weeks is adequate time for icare to comply. It is probably the agency that will be most affected by the order. I appreciate the professionalism and the courtesy that the Government has shown to date. I will speak further on that in my contribution in reply.

**Mr DAVID SHOEBRIDGE (10:54:55):** On behalf of The Greens, I support the Opposition's motion. We are seeking the information because all of us are deeply disturbed by the revelations about icare that were aired on *Four Corners* and that were subsequently made abundantly clear from information provided during the hearings of the Standing Committee on Law and Justice's review of the workers compensation scheme. We must have clarity on the payments made by icare, on the conflicts of interest and on what, if anything, the Treasurer knew about this. That is what the call for papers will achieve. This is about the lives of injured workers. When compensation claims are not managed ethically in accordance with the law, lives can be destroyed and the impact on families can echo through generations.

I am grateful that the Government has entered into positive negotiations. As I understand it, the Government will not oppose the motion but may seek to have further discussions on time frames. The Greens are happy to genuinely listen to the Government's arguments on time frames because we want to ensure full compliance. The House should utilise its power to call for papers because the answers and information obtained in other forums has not been full and frank. I move:

That the question be amended by inserting after paragraph (c) (xvii):

- (xviii) all documents that were provided to icare or the Safely Return to Work and Support Board regarding tenders or other changes regarding IT for icare or its predecessor in 2015;
- (xix) all documents relating to the tender or tenders which CapGemini and/or Guidewire successfully tendered for (excluding any documents regarding the performance of any contract);
- (xx) the total of all payments made to CapGemini and/or Guidewire under any contract or arrangement between them and or icare or Employers Mutual Limited;

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Do I take it that in subparagraphs (xix) and (xx) the "and/or" to which you refer is after the word "CapGemini"?

**Mr DAVID SHOEBRIDGE:** That is correct. CapGemini and GuideWire were a consortium, so it is to ensure we pick up that in both subparagraphs (xix) and (xx). I appreciate the assistance of the Clerk, given the pace of proceedings in the House today.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:58:45):** It is difficult to speak to the document because I was handed it only now. I understand the arguments that have been made with respect to the motion. Those arguments are consistent with the position that has been put by the Hon. Daniel Mookhey in respect of the additional documents that he seeks. However, I have not had an opportunity to canvass the matter with the Treasurer's office. I thought to seek the indulgence of having this matter stand for a short period of time, but have received the advice that it is fine. Mr David Shoebridge is obviously persuasive because the Treasurer's office is happy for the additional amendment to the Hon. Daniel Mookhey's motion. We will not oppose the amendment.

**The Hon. DANIEL MOOKHEY (11:00:09):** In reply: I say at the outset that Labor does not oppose Mr David Shoebridge's amendment. I thank the Minister for his contribution to the debate, as well as the speed by which he was able to obtain instructions in this matter—he may well have set a record. I also put on record my appreciation for the Clerks and their assistance in turning around a complex Standing Order 52 motion quickly, especially with the circumstances of its genesis being relatively fast.

In that same spirit I put on record my appreciation for the courtesy that has been extended by the Treasurer's office and the dialogue we have had on this particular matter. I have explained to the Treasurer's office that, in part, we had to get something on the *Notice Paper* so that it could be debated, but it was still being developed overnight. I acknowledge that they might not have had enough time to appreciate the finer details and I appreciate the courtesy and the respect shown in having a dialogue on a matter this serious. I recommend that members support the motion.

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

**Amendment agreed to.**

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

**Motion as amended agreed to.**

## COMMUNITY FUNDS AND GRANTS

### Production of Documents: Order

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

That private members' business item No. 596 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (11:02:41):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution, in electronic format, the following documents created since 1 January 2017 in the possession, custody or control of the Office of the Premier, the Office of the Deputy Premier, the Office of the Treasurer, the Office of the Minister for Local Government, the Office of the Minister for Sport, Multiculturalism, Seniors and Veterans, the Office of the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Department of Premier and Cabinet, The Treasury, Regional NSW, the Office of Sport, the Office of Local Government, or the Department of Planning, Industry and Environment relating to community funds and grants:

- (a) all documents concerning the applications, assessments, correspondence, recommendations, approvals and funding allocations relating to:
  - (i) the Stronger Communities Fund;
  - (ii) the Stronger Country Communities Fund;
  - (iii) the Regional Cultural Fund;
  - (iv) the Greater Sydney Sports Facility Fund;
  - (v) the Regional Sports Infrastructure Fund;
  - (vi) Start Strong Capital Grants;
  - (vii) the Growing Local Economies Fund; and
  - (viii) GO NSW Equity Fund.

- (b) the Treasury review of Jobs for NSW, which included reviewing grants and funds;
- (c) the indexed list of all documents, returned under this order of the House, provided in hardcopy in no less than 12 point font and in electronic copy in a searchable format; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

**The Hon. Damien Tudehope:** Point of order: My point of order relates to the format of this Standing Order 52 motion. It seems to be a new introduction of the manner in which documents are to be produced because it states, "within 14 days of the date of passing of this resolution", and the objectionable words are, "in electronic format". We submit that that is outside the remit of Standing Order 52, which calls for the production of papers and not for the production or creation of new documents. We argue that this is an introduction of something that has long been mooted by members opposite—that they would like some sort of agreement in relation to producing documents in electronic format. The Solicitor General's advice with Anna Mitchelmore in 2014, tabled in this House, notes the following in relation to electronic production:

The tenor of SO 52 suggests the production of documents in printed form: the order is for documents to be "tabled in the House" and when returned they are to be "laid on the table by the Clerk."

However, it may be convenient for the Council to request that the documents be provided in a different form and also convenient for the Executive to supply the documents in, for example, electronic form. We do not consider that the terms of the order would preclude the Council from adopting or sanctioning that course.

The Government is concerned that any privileged State papers returned under these orders are kept secure. There is a real issue that impacts on this place by recent example of the security of documents held in electronic form. I submit that a determination needs to be made in relation to whether it is acceptable for the drafting of the Standing Order 52 motion to require that those producing the documents produce them in electronic format and, in fact, move to create a new document for the purpose of compliance with the standing order. For those reasons, we ask that the application in its current format be ruled out of order.

**The Hon. ADAM SEARLE:** To the point of order: The point of order proceeds on a false premise. The motion does not seek the creation of a new document. At the moment when documents are produced, yes, they are in printed form and they are often in boxes carted to the Parliament, including into the Clerk's room in the case of privileged documents. Recently we had a Standing Order 52 motion where, unbeknownst to the Opposition—and certainly to the Ministers concerned—we had a very significant return. One sensible solution was to say, instead of photocopying reams of documents—about which the Government often complains, I might add—producing them on a readable CD would be an acceptable alternative. Matters in that case had gone too far for that to be a solution. Burning documents onto a CD is not the creation of a new document, it is just a new form of storage. To meet the point about privileged documents, you could have one CD for production here and another in the Clerk's room, which would obviously only be able to be viewed by members.

We are not seeking to mandate the creation of new documents; we are trying to provide a useful alternative to the photocopying of hundreds—in some cases thousands—of pages, in answer to a complaint often raised by the Government. In responding to this point of order, I add that the Government seems to be making a rod for its own back. I am happy to amend the motion, if that is really what the Government is seeking, or the Government could move an amendment to change these things. But is it really pressing this point? The Government has complained time after number about how many acres of paper are created by calls for papers. Labor has put forward a solution in consideration of the matter and a Government member has taken a point of order. The point of order is bad. The Opposition does not seek the creation of new documents, it merely suggests a form of storage.

**Mr David Shoebridge:** To the point of order: The Government is right when it says that Standing Order 52 talks about documents and references, and that the House may order documents to be tabled in the House. The Government seems to have a strangely eighteenth century view of documents. When a document is tabled, if it is a photocopy of an original document that is held by an agency, members will inevitably get a copy of the document, not the original. This procedure was created and ventilated in the late 1980s and 1990s. Traditionally—in the 1980s, 1990s, 2000s, up to now—we have photocopied them, because that was the manner in which a copy of a document and a further document was created and then tabled in the House. We had a copy of the original, a document was created and that paper document was tabled in the House.

One would think the Interpretation Act 1987 would be the best guide to determine what "document" means. In that regard I refer members to section 21 of the Interpretation Act, which includes the definition of common terms. The Interpretation Act is used for all legislative purposes. In its express terms it does not necessarily cover the interpretation of standing orders, and I do not pretend it does. The Interpretation Act is for legislation and statutory instruments. The Act does not necessarily by its own terms expressly cover the standing orders, but it is the best guide, given it is the core definitional provision for the work we do. All the legislation we create is defined

in accordance with the Interpretation Act and it is the best reference point. Section 21 includes the definition of "document". It states:

*document* means any record of information, and includes—

- (a) anything on which there is writing, or
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them, or—

this is the critical point—

- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else, or—

I will complete the definition—

- (d) a map, plan, drawing or photograph.

Clearly, paragraph (c) would encompass "document" having the meaning of an electronic copy—I would assume in PDF format. The standing orders allow for the tabling of documents. Surely it is within the power of the House to seek to assist the production of the documents and the work of the members in considering the production of documents by identifying the style in which the documents may be produced. If only for convenience, one would think this would be celebrated by the Government, but also, as a matter of interpretation and practice, it is well within the bounds of the House to provide for documents in that form.

**The Hon. Damien Tudehope:** Further to the point of order: The President would be aware that the issue relating to Standing Order 52 and the manner in which the order is used by members of the House to seek the production of documents is a matter of some contention. In relation to the submission made by the Leader of the Opposition, if there is a concern relating to the volume of documents produced, it should be incumbent upon those who are drafting Standing Order 52 applications to limit the scope of the application to make sure that it is not so unduly onerous as to catch boxes and boxes and reams and reams of documents. The solution is not to create electronic versions of masses of documents; the solution is to limit the scope of the order. There is an obligation on the House to consider the way Standing Order 52 operates. In that context, this issue may well be agreed upon in terms of the creation of documents and their delivery to the House. But there has never been an amendment to the standing orders to clarify how documents will be produced.

I recognise the expediency and the efficiency with which delivery of documents in electronic format may have—certainly on the resources of the Clerk, in terms of the space the documents occupy—but parties in this place should reach agreement on how Standing Order 52 is interpreted. That has never been done by members in this place. The Government says that is certainly something that should be incumbent upon all parties to try to reach agreement on. As it stands, the Government says that Standing Order 52 does not capture a requirement that documents be delivered electronically. I anticipate the Leader of the Opposition will readily amend the motion, but it should not require that documents are created in an electronic format unless and until such time as Standing Order 52 directs that that is the appropriate manner in which it should be done.

**The PRESIDENT:** Before I call the Leader of the Opposition, I will reserve judgement on this matter. The issue is too important to make an instant ruling. If there is no objection, I ask that the Government Whip move this matter to after lunch so that I can make a decision. That is fair to the Leader of the Opposition. If I decide the motion is fine and stands on its own, he may continue. If I decide that the words "in electronic format" should be removed, then the Leader of the Opposition may amend his Standing Order 52 application and remove those words so that he may continue with his motion. The Procedure Committee has been toying with the issue of the electronic format, so I will reserve my judgement on the matter. I will hear further argument from members. The Leader of the Opposition has the call.

**The Hon. ADAM SEARLE:** Further to the point of order: I further submit to the President before ruling on the matter, and for the consideration of honourable members, that the power of the House to compel the production of documents does not reside in Standing Order 52. The House does not have the power because it is in the standing orders. The power of the House arises at common law and the House has such power as is reasonably necessary to hold the Executive to account. Obviously what common law permits will evolve over time.

Standing Order 52 just assists the House in the regulation of its procedures. Nothing in Standing Order 52 would preclude the motion that has been brought to the House. I accept that the issue of electronic format returns is under discussion, but those discussions go beyond the burning of documents onto a readable CD into much more elaborate forms of return. That is appropriate in the twenty-first century. All that is envisaged in the current circumstance is a rudimentary electronic return, as I have outlined. I hope that brief submission assists the House. The contours of the House's powers are not limited by Standing Order 52; it simply regulates the manner in which motions may be brought and debated.

**The Hon. Trevor Khan:** Does the technology still exist to burn something onto a CD?

**The Hon. ADAM SEARLE:** It does in my household and given the state of the New South Wales Government's technology in its various departments, I am sure it does.

**The Hon. Trevor Khan:** We will have to call you grandpa.

**The Hon. ADAM SEARLE:** I acknowledge that interjection.

**Mr David Shoebridge:** Damien probably wants it on a cassette.

**The Hon. Damien Tudehope:** I ask Mr David Shoebridge to withdraw that comment! Mr President, to assist you, I anticipate that I will raise the same point of order in relation to private members' business item No. 620 outside the order of precedence and private members' business item No. 622 outside the order of precedence, which are in similar format.

**The PRESIDENT:** Who is the member?

**The Hon. Damien Tudehope:** The Hon. Courtney Houssos.

**The Hon. ADAM SEARLE:** They will rise and fall together.

**The PRESIDENT:** Clearly whatever I rule on private members' business item No. 596 outside the order of precedence will apply to the other items of business, but I will look at the wording in case it is different.

**Debate adjourned.**

### *Motions*

#### **FIFA WOMEN'S WORLD CUP**

**The Hon. NATALIE WARD:** I move:

That private members' business item No. 604 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. NATALIE WARD (11:21:56):** I move:

- (1) That this House notes that:
  - (a) on 26 June 2020 the Fédération Internationale de Football Association [FIFA] announced that the 2023 FIFA Women's World Cup will be hosted by Australia and New Zealand;
  - (b) the FIFA Women's World Cup is among the largest women's sporting events in the world;
  - (c) this will be the first FIFA Women's World Cup hosted in the Asia-Pacific region, the first in the Southern Hemisphere;
  - (d) this will be the first co-confederation hosted FIFA World Cup and will feature players from 32 nations around the world;
  - (e) with 1.5 million spectators expected to attend, 16,000 of those will visit New South Wales, injecting \$21 million into the New South Wales economy, helping drive tourism, hospitality sectors and local businesses;
  - (f) this announcement is solely possible because of the hard work that local football clubs and organisations in New South Wales and the thousands of community volunteers who dedicate their spare time and effort to the sport; and
  - (g) the Government's Active Kids program has encouraged the participation of around 40,000 young women and girls in football each year since its inception in 2018.
- (2) That this House congratulates:
  - (a) Football Federation Australia and New Zealand Football on their successful joint bid to host the 2023 FIFA Women's World Cup;
  - (b) local grassroots football clubs that are producing world championship players; and
  - (c) the Matildas and Football Ferns and wish them every success in the competition.

On 26 June 2020 the Fédération Internationale de Football Association announced that Australia and New Zealand would be joint hosts in the 2023 FIFA Women's World Cup. For those who stayed up through the night until two o'clock in the morning to hear the announcement, what an exhilarating moment it was. We won. Not since the Sydney Olympics have we had such an exciting announcement in world sport. The FIFA Women's World Cup is one of the largest sporting events in the world and the 2023 edition is set to be the biggest yet.

This tournament will be a series of firsts—the first Women's World Cup in the Southern Hemisphere, the first in the Asia-Pacific region, the first to be co-hosted by two confederations, the first to have 32 teams—up

from 24—and the first Women's World Cup to be held in Australia. In 2018 the New South Wales Government announced it would bid for 10 world cups in the next 10 years, which, if successful, could potentially contribute over \$1 billion to the New South Wales economy. Three of the eight World Cup events already secured by the New South Wales Government are Women's World Cup events, including the FIFA Women's World Cup 2023. This demonstrates the New South Wales Government's unwavering support of women's sport and why I commend the motion to the House.

It is anticipated that the event will attract 16,000 visitors to New South Wales, injecting \$21 million into our economy. FIFA will make its determination about the particular cities shortly. Football Federation Australia has set a target to achieve equality in participation by 2027. Hosting the FIFA Women's World Cup will be a key driver to achieve this ambitious target. Our delivery of the Australian and New Zealand 2023 tournament will embody our passion for women's sport and demonstrate our commitment to equality and fairness, which will be broadcast to millions of viewers across the world. Hopefully by the time we are watching this live, the COVID pandemic will be a long-lost memory.

This announcement would not have been possible without grassroots local football clubs and associations. We are lucky enough to represent New South Wales in this place but I acknowledge a couple of associations close to my home. Formed in 1947, the Manly Warringah Football Association in Cromer Park, which governs 17 member clubs in the northern beaches, has over 18,000 players including 6,000 women. It is the biggest football association in Australia. Northern Suburbs Football Association [NSFA], which governs 30 clubs, from the harbour to the Hawkesbury, has 16,000 plus players. NSFA has the Sapphires eight to 11 age girls program which will play a critical role in the future and increase the depth of female players. Its Diamond league is a development pathway specifically designed for girls. North West Sydney Football Association at Macquarie Park has announced the NWSF As One women's football initiative to grow women's football in the region as a best practice academy for female players to support them to become Matildas.

Those local grassroots clubs are essential for the growth and progression of our young women destined to play in world-class competitions. Women's sport is wholeheartedly supported by the New South Wales Government through the sport strategy Her Sport Her Way, which over the next four years aims to shape the future of women's sport. The New South Wales Government has implemented the Active Kids rebate for sports registration and equipment, which has supported thousands of young women in the sport of their choice and 40,000 women in football. I make particular reference to a staff member for Minister Pavey, Jessica Cole, who some of you may have seen hobbling around the corridors of this place. Jess injured her knee before having the chance to take the field for Panania Diggers Ladies Division 2, but that did not stop the girls of her team making her feel part of it, setting up a chair on the side of the ground so she could watch. I thank Jess for her persistence. That is what grassroots football is all about.

I thank all the mums and dads. Matildas players and elite players very often attribute their success to their parents, who took them to sport to practice day and night, week after week. I thank the grandparents, friends and people who support the teams, the volunteers who set up the grounds, who manned the pre-COVID barbecues and who clean up after everyone has long gone home. I thank the coaches, physios, medics, water runners, referees and all the crew. To the girls and women who do not make the top team, who suffer an injury, who do not get chosen or just miss out, I say keep participating and keep playing; we need you. Australia and football needs them. They might not be a Matilda but they are needed as part of the crew and team. There is always a role for them. I commend the motion to the House.

**The Hon. JOHN GRAHAM (11:26:45):** I speak for the Opposition as the spokesperson for sport in the Chamber. I congratulate the member for moving this motion. It is a fantastic recognition of what was a very exciting moment on 26 June. It was a big moment for football and a very big moment for Australia. I join the member in thanking many of the people she thanked. I recognise the fantastic Matildas, which is our national team. I thank the hundreds of thousands of members of the public who signed up to say publicly that they supported this bid, which sent a signal to FIFA that there was real enthusiasm amongst members of the Australian public for this event to be held in Australia.

I briefly attended the men's World Cup in South Africa in 2010 and had a fantastic time. It was great to be able to cheer on our national team in what is truly a world competition. I have also supported the Matildas at home. I cannot wait to support our national team in this World Cup with many members of the public. Everyone would join me in predicting that the Matildas may well be more successful than the men's team, as is often the case historically. I hope both teams do well, but the Matildas certainly have the record. This vote was 22-13. A lot of politics goes on in this Chamber and no-one would doubt how complex the politics of FIFA is. We had a lot more votes this time than we had with the last bid. It will be a delight to watch this football in our own time zone rather than being up in the middle of the night, trying to stay awake. The goals do not always flow in these games. In our own time zone we will be wide awake to see this event unfold.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Ben Franklin, a well-known footballer.

**The Hon. BEN FRANKLIN (11:29:07):** Funny you should say that, Mr Deputy President. My days in the under-8s Westlakes soccer club were a sight to behold. In fact, the line that was most commonly used to describe those days was that I held my position well. I thank the Hon. Natalie Ward for moving the motion because women's participation in sport is an important issue. In fact, AusPlay data released in April 2020 showed that participation in organised sporting activities, which is defined as three times a week, is lower for girls compared with boys. Although girls are more likely to participate in physical activities other than organised sport, it is something that must be focused on.

However, participation of women and girls in non-traditional female sports like cricket and football codes is increasing rapidly at the community level. The honourable member spoke briefly about Her Sport Her Way, a program that the New South Wales Government launched in December 2016. It is worth spending more time on that because the program provides a clear direction and role for the Government to work with the sport sector. It has been embraced enthusiastically by sporting organisations of all sizes across the State. The four-year, \$5 million action strategy features 29 action plans to increase the number of women and girls playing sport, invest in female-friendly sport facilities, maximise investment in women's sport and support the sector to increase the number of women in leadership positions. Her Sport Her Way is a clear action under the NSW Women's Strategy 2018-2022.

**The Hon. Bronnie Taylor:** Hear, hear!

**The Hon. BEN FRANKLIN:** I acknowledge the enthusiastic support of the Minister for Mental Health, Regional Youth and Women. We recognised the importance and power of major events like world cups on home soil and the opportunity to connect with young girls and normalise women's participation in sport. New South Wales has led the way in bidding for and hosting major women's sporting events as part of the 10 world cups in 10 years initiative with a strong focus on leveraging the social, health and economic opportunities for women and girls across the State. That is why the announcement on 26 June 2020 that Australia and New Zealand will host the 2023 FIFA Women's World Cup was so exciting.

Recently True North reported that Australians have the strongest emotional connection to our national women's teams, the top four being the Southern Stars, the Matildas, the rugby Women's Sevens and the Australian Diamonds; the men's cricket team came in fifth. It is important to leverage that connection to ensure that young girls have role models who encourage them to participate in sport and tell them about all the benefits that it brings. The 2023 FIFA Women's World Cup will help cement that connection and leverage investment in women's sport. The New South Wales Government has already leveraged investment in women's sport through the ICC Women's T20 World Cup 2020. Under the \$6 million NSW ICC T20 World Cup Cricket Legacy Fund, 61 projects received funding for programs, events, facility upgrades and resources specifically for female cricketers. That demonstrates the New South Wales Government's commitment to women's sport. I commend the Hon. Natalie Ward's motion.

**The Hon. MICK VEITCH (11:32:19):** I speak to join in the celebration of the FIFA Women's World Cup coming to Australia. Those who know me know that my youngest son was, and still is, quite an outstanding soccer player. When you are involved in kids' sport in regional New South Wales, you want to support your kid through the process. Kids in Young and Cowra join to form the Lachlan Lions as a representative team. When my son was playing for the under-10s and under-11s they could not get a coach, so I had to coach the team.

**The Hon. Natalie Ward:** Oh no!

**The Hon. MICK VEITCH:** They did pretty well actually. They did alright but it had nothing to do with the coaching. They went okay because of one particular player. I had a bit to do with Ellie Carpenter in her formative years. Even back then Ellie was an outstanding person. As a kid coming up she was a pocket dynamo—she could run. Boys and girls played together in that age group and all the kids around her drew inspiration from the way she played. I marvel to see where Ellie is now. I can think back to the days of running around on the banks of the Lachlan River in Cowra on a very cold July Saturday. Some of Ellie's attributes and skills were visible then. Now I have granddaughters who look at Ellie on the television and aspire to be like her. It is an amazing thing. Girls and young males will learn and draw inspiration from watching those highly trained professionals at the elite level. It should not be underestimated. A good thing is coming here. We should have access to it. I will be backing the Matildas every minute of every game and I will be glad I do not have to get up at 4.00 a.m. to do so. Well done.

**The Hon. MARK LATHAM (11:34:42):** I am a great fan of women's soccer and a constant spectator at Belgenny Oval in Camden on a Saturday. Watching the mighty Falcons smash every other team is one of the most beautiful experiences in life. Their outstanding centre-forward seems to score a lot of goals—God love her!

I support the motion and also urge members to be careful about the people who could destroy the FIFA Women's World Cup. We must promote it and ensure that it is a huge success. We all know that if you introduce politics into anything, you are probably going to minimise your audience. Look at the audience we have for our debate. It is for shift workers and insomniacs only to listen in on the Legislative Council.

Former SBS commentator Craig Foster has said that the Women's World Cup will be about climate change, gender equity and other political campaigns. If he wants to make it about climate change he will probably advocate to cancel the event. People will fly from all over the world in their jet planes—tourists, media people, the teams themselves—and inevitably there will be emissions. You cannot say that it is an event to combat climate change when effectively you would have to not have the event. What does Foster's other point, gender equity in women's soccer, mean? Half of the players would have to be male and that would discredit the event in itself. The best thing is to allow sport to be sport. If you introduce politics into any sporting event you minimise the interest and the crowd. Quite frankly, people go to sport to get away from things such as politics. I think it has been a massive mistake across the sporting codes.

I hope it is not a feature of the Women's World Cup. We celebrate the players, their achievements and their amazing athletic skill. We will all be cheering our lungs out for the Australian team. But as soon as you start bringing side issues and political campaigning, the fans will say, "Hang on, I work in a busy job. I hear news and most of the political news is dismal. I am going to the sporting event to have entertainment, to admire the athletes, to cheer for my country and to get away from things like politics." I hope that is the ethos that underpins the motion moved by the Hon. Natalie Ward; I hope it is the ethos that the organisers pursue. I hope they reject madcap ideas like those advanced by Craig Foster that the World Cup has to be about refugees and gender equity and climate change—goodness gracious! There is enough of that debate in the Legislative Council already and our audience is dismal. We want the World Cup to be a big event where people go to enjoy themselves, not to be ear-bashed about politics.

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (11:37:12):** I commend the Hon. Natalie Ward for bringing this sensational motion. I commend Football Federation Australia and New Zealand Football for their successful joint bid to host the 2023 FIFA Women's World Cup. The scenes on our televisions the night it was announced were unforgettable. They all jumped up in the air and were so excited and happy. I think that really encapsulates the whole excitement. The great thing about sport is that it is for absolutely everyone. I note the Hon. Mick Veitch and other members talked about their experiences in coaching. I had two extremes with my daughters. One spent more time picking flowers off the pitch playing for Nimmitabel than she did trying to kick the soccer ball, which used to drive me crazy.

**The Hon. Taylor Martin:** Name which one.

**The Hon. BRONNIE TAYLOR:** It was the eldest—Hannah would not be disappointed. Holly would mow everyone down to get as many goals as she could. I will not tell you which daughter takes after me. It is not just the sport, it is the way that sport brings families and communities together. The Hon. Mark Latham spoke about that in his contribution. It is wonderful that in really difficult times for our communities, such as times of drought, we can all gather on the frosty Monaro soccer field for the first game kick-off at 8.00 a.m. to have a chat and rejoice in our children being out there—whether they are picking flowers or kicking goals.

I thank the Hon. Ben Franklin for referring to the New South Wales women in sport strategy, Her Sport Her Way, which we launched in 2018. It is a four-year, \$5 million strategy featuring 29 initiatives to increase the number of women and girls playing sport, to invest in female-friendly sport facilities, to maximise investment in women's sport and support the sector to increase the number of women in leadership positions. Five pilots of the Daughters and Dads Active and Empowered program were successfully delivered to 84 daughters and 79 dads in regional locations between August 2019 and March 2022 to trial different models. That is a terrific program. I think there is a very special bond between a father and his daughter.

Another achievement of the year was the action plan for the new Her Sport Her Way grants program. We provided \$635,000 to 23 sporting organisations for innovative projects designed to break down participation barriers, promote role models and foster inclusivity for women and girls. I note that recently Suncorp conducted research that indicated that girls are losing interest in sport as a result of COVID-19. That is very concerning and reinforces the importance of the Her Sport Her Way strategy and of showcasing our female elite athletes at the 2023 FIFA Women's World Cup. It will be absolutely inspiring for generations of young women to come. I congratulate all the local grassroots football clubs on producing champion female players, one of which we heard of today. I wish the Matildas firm success in the lead-up to, and participation in, the 2023 FIFA Women's World Cup.

**The Hon. WES FANG (11:40:24):** I associate myself with the fantastic motion brought by the Hon. Natalie Ward. It is fantastic that we are able to look forward to an amazing event in 2023. Fingers crossed

that this side of the House is still on this side of the House when the event occurs because I think we should be able to celebrate the hard work that this Government has put in to secure the event. Listening to the contributions of members to the motion and hearing about their experiences, I feel that I have lived a lot of those experiences. The Hon. Mick Veitch spoke about having kids involved in sport. When I was growing up I was a member of Wagga United, which was then called a soccer club but which we now call a football club—I still call it soccer but I try to remind myself to call it football.

My three children, Casper, Atticus, and particularly my youngest daughter, Audrey, were all members of Wagga United like their dad. They were able to be members because of the Active Kids vouchers in particular, which is a really important initiative of this Government. The Government is encouraging boys and girls to be involved in sport and I believe it is vitally important for us to remove that financial impost on families, particularly in rural and regional communities. I remember speaking about Audrey in the House last year when the Hon. Mark Latham spoke about gender equality in sport while contributing to another motion.

I said that Audrey is a fierce competitor, and I can tell the House that on the soccer field she is. She is six now and when this World Cup is held she will be 10. I look forward to the day when I may be able to take her to a football match which she can watch in her home country and see her home team hopefully succeed. I thank the Hon. Natalie Ward for moving this fantastic motion and I thank those members who have made contributions to it. I believe women's sport in New South Wales will go from strength to strength and it will be on the back of motions such as this.

**The Hon. SCOTT FARLOW (11:43:32):** I commend the Hon. Natalie Ward for bringing this motion and I commend and thank the Football Federation of Australia for securing the FIFA Women's World Cup. My wife's aunty, Amanda George, was a Matilda; she played for the Matildas in 1992. I think she had only two outings for the Matildas but it is a point of pride in our family. Women's sport is coming more and more to the fore. My cousin moved to the United States of America in 1999, which was the year the US hosted the Women's World Cup of football. It really changed women's sport in the US for years. The US women's team has now won four women's world cups.

I was quite surprised when my cousin moved to the US and started playing soccer. She had never played soccer in Australia, but because of the strength of the feeling in the US for that Women's World Cup, soccer exploded there. Now the US team is the most successful female team in the world. Let us hope that is emulated in Australia when the Women's World Cup is played here in 2023: that there is that same explosion of interest in women's football in Australia and that the Matildas are set up into the future as a global powerhouse in women's sport.

Among the great women's sporting events that are happening all around the world, the FIBA Women's Basketball World Cup is coming in 2022 to New South Wales. Congratulations to Basketball Australia on its work in securing that event. It will be the second time that Australia will host the basketball world cup. I remember the first time; it was held at the Sydney Entertainment Centre. There were some great games and there was a Chinese basketball star at the time called Baby Huey, who was about seven feet tall. I was there for the grand final between China and the US. It was an amazing event that captured all of Australia's attention at the time and put basketball on the map, especially the Australian women's Opals team, which has been so successful over the years. I am surprised by the Hon. Ben Franklin's comments that they did not rank higher in associations with national sporting teams because they have done such an amazing job.

**The Hon. Mick Veitch:** Are you challenging Ben's facts?

**The Hon. SCOTT FARLOW:** No, I am challenging the surveys because the Opals have been such a standout Australian sporting team and I hope to see them emulate their success in 2022 and finally take out a gold medal in the world championships here in Sydney as well. My son is playing soccer now for the West Pymble Football Club, and I am sure my daughter will play next year when she comes of age. But, interestingly, the change from my time is that a whole day of women's soccer occurs on a Sunday and the men's soccer occurs on a Saturday. When I played soccer that certainly was not the case. We can see that more and more women's sport is taking off all around Australia. I congratulate the Hon. Natalie Ward on bringing this motion.

**The Hon. TAYLOR MARTIN (11:46:43):** I support the motion of the Hon. Natalie Ward. I congratulate the Football Federation of Australia and New Zealand on their successful joint bid to host the 2023 FIFA Women's World Cup. The tournament will be a spectacle, which local footballers and fans will look forward to eagerly.

**The Hon. Mick Veitch:** Are you going to get a game on the Central Coast?

**The Hon. TAYLOR MARTIN:** I am particularly pleased that McDonald Jones Stadium in Newcastle is one of the proposed venues for the tournament; it will be yet another opportunity for the Hunter to showcase itself to the world. The tournament will attract visitors from around the country and the world, and it will be an important

contribution to the tourism industry, which will probably still be recovering from the COVID-19 pandemic when the tournament is held. In Newcastle, 10,500 players from 35 affiliated clubs participate in regularly scheduled games. The Matildas have a fairly strong record at McDonald Jones Stadium, having won the last four of five games played at the stadium over the past 20 years, including the most recent game against Vietnam when the Matildas won 5-0. I hope that the strong record at McDonald Jones Stadium is taken into account when decisions are made as to which games should be played there. I hope that the Hunter gets a game with the Matildas there in 2023. I know that the whole of the Hunter and the greater region is looking forward to that tournament taking place, just like everyone across Australia and New Zealand is looking forward to the tournament. I commend the motion to the House.

**The Hon. ANTHONY D'ADAM (11:48:37):** First, I thank the Hon. Natalie Ward for bringing the motion. I wanted to make a contribution specifically to take issue with the comments of the Hon. Mark Latham around the notion that we can somehow divorce sport from politics. I do not subscribe to that view; I subscribe to the view that all human activity is infused with politics. I believe creating artificial separations between politics and human activities is a false dichotomy. In the case of women's sport, clearly there are glaring inequities in our society. It reflects the profound inequalities in our society and women's soccer is perhaps its best illustration. It is a professional game for men and women but there is a massive disparity between their incomes. To deny that and assert that somehow we should ignore the political dimension—if you ask the Matildas whether there is politics involved in sport and about whether there is inequity in sport, they will give you a clear answer and one not in agreement with the sentiments of the Hon. Mark Latham.

**The Hon. SAM FARRAWAY (11:50:25):** I commend the motion moved by the Hon. Natalie Ward. I cannot match the stories of the Hon. Mick Veitch and the Hon. Scott Farlow because I was neither a football fan nor much of a soccer player; maybe rugby was a bit different.

**The Hon. John Graham:** Speaking on behalf of the non-fans.

**The Hon. SAM FARRAWAY:** I associate with the comments of the Minister for Mental Health, Regional Youth and Women, the Hon. Bronnie Taylor, about the advancement of women and women's sport in Australia. It is good to see that. I disagree with the previous speaker, the Hon. Antony D'Adam, and associate with the Hon. Mark Latham's comments about politics and sport. If you have been involved in a voluntary capacity with any sporting club, you will know that there is plenty of politics, but we should not compound the issue. We do not need to use the advancement of women's sport in our country to further compound politics. The 2019 FIFA Women's World Cup held in France was a hugely successful event. The unanimous decision by FIFA that the 2023 Women's World Cup will be the first to feature 32 teams and will be hosted by Australia—

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! Pursuant to standing orders debate is interrupted to allow the mover of the motion to speak in reply.

**The Hon. NATALIE WARD (11:51:59):** In reply: I thank honourable members for their contributions. I am grateful for their support and for taking the time to speak. We are lucky to have the Hon. John Graham and the Hon. Ben Franklin in this place. To the Hon. Ben Franklin, I say soccer is the loser. To the Hon. Mick Veitch, I say that clearly his son's skills come from his mum and we are happy about that.

**The Hon. Mick Veitch:** Absolutely.

**The Hon. NATALIE WARD:** But I thank him for his coaching because it is coaches and volunteers who make the local clubs and the Matildas. They are absolutely necessary and we thank you for that. I agree absolutely with the Hon. Mark Latham. When girls or blokes are playing a game, they just want to kick a football around. They do not want to get involved in politics; they just want to play and be the best they can. My son had a teacher in year 4 whose name I sadly forget. She was his favourite teacher because he told me when they all got scratchy, she took them outside to kick a ball around.

Maybe that should be an education policy but I will not enter that debate. I thank the Minister the Hon. Bronnie Taylor for her inspiring contribution and for raising two incredible daughters, leading the way for them. Their contribution, in whatever form, is absolutely fine. My son played rugby. It was a disaster if there was skywriting when he played, because he would focus on that and not on the game. He broke his dad's heart when he said he wanted to change from rugby to soccer. I think my husband cried—good for him. Our daughter also plays soccer and says it is her favourite. I thank the Hon. Wes Fang. I love that all his kids play. Wagga Wagga United is excellent. However, the Hon. Scott Farlow has trumped everybody—bad choice of words. Having a Matilda in the family is second to none. That is unbelievable.

I thank him for his family's contribution. We look forward to tickets when it comes around. I thank the Hon. Taylor Martin, the Hon. Anthony D'Adam and the Hon. Sam Farraway. I will quote the Hon. John Graham's interjection when he thanked the Hon. Sam Farraway on behalf of all "non-fans" because it is important to hear

from everybody. I draw to the attention of the House the way in which the Matildas have progressed. At the inaugural women's tournament in Taiwan in 1978, despite representing their country, none of the players' appearances counted as official caps. There was slow progress. In 1988, they had to sew their own Australian crests into the team tracksuit. We have come a long way, and I am pleased that we have. I commend the motion to the House.

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

**Motion agreed to.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. EMMA HURST:** I move:

That private member's business No. 606 be postponed until the next sitting day.

**Motion agreed to.**

*Bills*

**ROADS AMENDMENT (TOLL-FREE PERIOD) BILL 2020**

**First Reading**

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

**Second Reading Speech**

**The Hon. JOHN GRAHAM (11:56:24):** I move:

That this bill be now read a second time.

New South Wales is in the grip of what the Premier calls "toll mania". The Premier should not be embarrassed about that call because she captured the mood in Sydney. The Premier got this one right. She was describing a moment when a free road—the M5 East—built 20 years ago and paid for out of the public purse, was tolled for the first time. That was a new toll on an old road. Since the road opened, a commuter from Punchbowl or Padstow might have driven along it 10,000 times and it was free every time. Then one month ago this Government expected commuters to start paying substantially for it at more than \$3,000 every year.

That is on top of the existing M5 toll, which they might already have to pay before Cashback. The M5 East, paid for in full when it opened, is now being paid for again some 15 times over by the residents of south-western Sydney. They get no new road and no road improvements. Any travel-time improvements they get are because 23,000 drivers every day no longer use the road. Those tens of thousands of drivers simply cannot afford it. That is the moment when toll mania hits home in Sydney. At the same time, the new M8 tollway tunnels opened. They were tolled from day one with no toll-free period.

Tolls went up again days before, on 1 July, many increasing by 4 per cent each year. That 4 per cent increase had been double inflation for many years but now—with inflation falling—that disparity is rising. The triple toll for trucks is devastating for owner-drivers. Finally, with NorthConnex due to open shortly, truck drivers can choose to either pay a toll or pay a fine. This is the first time that there has been no free road alternative. That is toll mania. No wonder New South Wales drivers feel that that is exactly the right description—because it is true. The Opposition is not opposed to tolls but is opposed to toll mania. New tolls on old roads could happen to any road in New South Wales. For the average driver and the average worker, the relentless 4 per cent increase and the refusal to have toll-free periods on opening is simply getting too much.

Sydney is on track to become the most tolled city in the world. Research by the University of Sydney's Institute of Transport and Logistics Studies found that Sydney has more kilometres of toll roads than anywhere else in the world. Transport experts have given the city the dubious honour of having the most extensive and expensive urban toll road network in the world. Toll mania is the backdrop to the bill that the Opposition will introduce in Parliament today. The bill calls for a compulsory toll-free period for the opening of any new toll road in New South Wales, although I prefer to think of it as a toll-mania-free period. It is a brief respite—

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

*Questions Without Notice***MURWILLUMBAH EAST PUBLIC SCHOOL**

**The Hon. ADAM SEARLE (12:00:16):** I direct my question without notice to the Minister for Education and Early Childhood Learning. The terrible floods that cost Murwillumbah East Public School its library and four classrooms occurred in 2017. In answers given on notice on 30 July 2020 the Government said that the upgrade to Murwillumbah East Public School will only commence in mid-2021. When will the upgrade and the replacement of the library and four classrooms be delivered to the students and families of Murwillumbah East Public School?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00:53):** I thank the Leader of the Opposition for his question. I am aware that Murwillumbah East Public School was impacted by flooding not long ago. The Leader of the Opposition has asked for a time line of the project's completion. As he indicated in his question, a question on notice was put to me by the local member in Murwillumbah relating to that project. The Government provided the information that the member referred to in his question. I will take the question on notice and come back to the honourable member with an answer in due course.

**CARRIAGEWORKS ARTS PRECINCT**

**The Hon. MATTHEW MASON-COX (12:01:38):** I address my question to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister please update the House on the future of Carriageworks?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:01:53):** On 10 July 2020 I was delighted to announce that Carriageworks Limited would emerge from voluntary administration with the announcement of a multimillion-dollar lifeline for the company. I am delighted to report that at a meeting on 21 July 2020 creditors accepted generous offers made by several philanthropists, which will help guarantee the future of Carriageworks. I pay tribute to the philanthropists who have committed to ensuring the future artistic vision of the Carriageworks arts precinct. They are Geoff Ainsworth and his partner, Johanna Featherstone; Paris Neilson and her father, Kerr Neilson, through the Neilson Foundation; Michael Gonski through the Gonski Foundation; and Gretel Packer through the Packer Family Foundation and the Crown Resorts Foundation.

Through Create NSW, the New South Wales Government has committed to a long-term lease on an initial 10-year term with two five-year options, and a five-year funding agreement with Carriageworks. The significant increase in philanthropic contributions and the stability provided to Carriageworks through the long-term lease address longstanding issues that have impacted the organisation. I am excited for the resident companies of Carriageworks that will greatly benefit from this announcement. Last week I also announced the Independent Arts and Cultural Organisation's multi-year funding round results, where six of the eight resident companies of Carriageworks will share in \$5 million in funding over four years.

Four of those companies will be in receipt of multi-year funding for the very first time, including Moogahlin Performing Arts, Sydney Chamber Opera, Marrugeku and Contemporary Asian Australian Performance. Force Majeure and The Performance Space are returning as multi-year funded client. Carriageworks will start to reopen this month and will adhere to a COVID-19 Safety Plan consistent with NSW Health guidelines. This is a great outcome for the Carriageworks venue, the resident companies, arts and cultural organisations, individual artists and patrons of the arts. Carriageworks is an important part of Sydney's cultural identity and I am pleased that its contemporary and cutting-edge status in the arts will continue into the future.

**TEACHER RECRUITMENT**

**The Hon. PENNY SHARPE (12:04:40):** I direct my question without notice to the Minister for Education and Early Childhood Learning. In July a female teacher in a western Sydney high school was charged with child-related criminal offences. Was the staff member in question recruited to the school using merit selection?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:05:03):** I thank the Deputy Leader of the Opposition for her question. She has raised a very serious subject matter and she has not named the school in question, nor the staff member. I will need to take the question on notice and get some advice. Without specifics it is difficult to provide details in the House. I am happy to see what information I can find and potentially have a conversation with the member outside the Chamber to get some more detail. I will come back to her in due course.

**NATURAL RESOURCES COMMISSION**

**Mr JUSTIN FIELD (12:05:39):** I direct my question without notice to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Water, Property and Housing. When did the Minister receive the Natural Resources Commission's final review report into the Peel Valley regulated, unregulated, alluvial and fractured rock water sharing plan? When will this report be made public and have any changes to the water sharing plan been recommended by the Natural Resources Commission in its review?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:06:10):** I thank Mr Justin Field for his detailed question directed to the water Minister, who resides in the other place and whom I represent in this Chamber. The question is detailed; it is about a report, the date it was received and more. I shall take the question on notice, get the details the member asked for and return with an answer as soon as is practicable.

**START STRONG CAPITAL WORKS GRANTS PROGRAM**

**The Hon. TAYLOR MARTIN (12:06:46):** I address my question to the Minister for Education and Early Childhood Learning. Will the Minister provide an update to the House on infrastructure support available to community preschools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:06:58):** I thank the honourable member for his question and for his ongoing interest in the delivery of quality early childhood education to children and families. The New South Wales Government knows how important quality early childhood education is to ensuring that children in New South Wales get the best start in life. A child's access to community preschool is vital and it is crucial that our littlest learners have access to a quality preschool education. The Government is committed to ensuring that all children in New South Wales can participate in 600 hours of quality preschool education in the year before school.

The Start Strong Capital Works Grants Program aims to increase the number of preschool places available for children in the two years before school. The grants program enables successful applicants to build new community preschools, renovate or extend existing ones to create additional capacity, and support mobile preschools through, for instance, purchasing replacement vehicles. Importantly, the grants are designed to support communities in need, including Indigenous communities and communities of a low socio-economic status. It will come as no surprise to members to learn that these communities are predominantly in regional areas. The latest Australian Bureau of Statistics data shows that non-government preschools provide education to 50 per cent of four- and five-year-olds in outer regional, remote and very remote areas. Comparatively, 17 per cent of four- and five-year-olds in major cities access preschool programs in non-government preschools.

That might explain why approximately 70 per cent of applications for the capital works grants have come from regional areas. It also explains why 70 per cent of the grants have been given to preschools in regional and remote areas of New South Wales. As the education Minister and a proud regional working mother, I make no apologies for fighting on behalf of our regional communities to ensure that they have the highest-quality preschools. I know that a lot of preschools have been very grateful to receive this funding. I am sure the residents of Williamstown in the Port Stephens electorate greatly appreciate the \$1.3 million new build that they received under last year's round of capital works. I am also confident that parents and families who use the Bellbird preschool in the electorate of Cessnock are glad about the new extension that was funded in the first round of capital works in 2013.

The Start Strong Capital Works Grants Program is a great program that helps those most in need to access preschool. I have spoken about the program at least 20 times in this place because I am so proud of our achievements. It really is great news. I am also happy to inform the House that the 2020 round has opened for applications. That round will support a further increase in the number of community preschool places available across New South Wales. The closing date for applications is 23 August. As always, the assessment process will be administered by the Department of Education. The grants program is part of the Government's ongoing commitment to ensure that New South Wales children can participate in quality preschool education in the year before they start school, no matter their circumstances.

**The Hon. Walt Secord:** Mr President, a member is taking photographs in the Chamber.

**The PRESIDENT:** Is the Hon. Walt Secord willing to name the member and is he absolutely certain a photograph was taken before he does so?

**The Hon. Walt Secord:** I apologise. It may have been a selfie.

**The PRESIDENT:** Please do not do that again.

## KOSCIUSZKO NATIONAL PARK WILD HORSE MANAGEMENT PLAN

**The Hon. EMMA HURST (12:10:31):** My question is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, representing the Minister for Energy and Environment. In a number of radio interviews last week, Minister Kean stated that the Government is currently trapping and rehoming horses from three key areas of Kosciuszko National Park and is "not proposing lethal means to remove the horses". Will the Minister confirm that those horses being removed from the park are being tracked and monitored to ensure they are not killed at knackeries?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:11:01):** I thank the Hon. Emma Hurst for her question. Kosciuszko National Park is one of Australia's great national parks. It protects a range of threatened alpine ecosystems and a suite of endangered and vulnerable species. As part of protecting this internationally significant national park, I am advised that the National Parks and Wildlife Service recently commenced a post-bushfire control program designed to remove wild horses from selected locations in the park. The control program is occurring in response to scientific advice that the recovery of the park's natural values after the summer bushfires will be significantly compromised by the impact of wild horses.

I am advised that the impacts of wild horses are likely to include damage to creek lines and threatened wetland ecosystems that will increase erosion and reduce water quality, and damage caused by grazing and trampling of unburned grassland that constitutes important post-fire refuges for threatened species like the broad-toothed rat. Three fire-affected areas in the north of the park have been prioritised for immediate control. Those areas were identified after engaging with the scientific advisory panel and the community advisory panel appointed by the Government. Those areas are Nungar Plain, Cooleman Plain and Kiandra Plain. The control program is highly targeted and confined to less than 9 per cent of Kosciuszko National Park. An estimated 4,000 horses exist in those three areas. However, the program is outcome-based—it does not have a target to remove 4,000 horses.

In the initial phases of post-fire control, horses will be removed using passive trapping and removal. All operations will involve ongoing engagement with the RSPCA. I confirm that significant efforts are being made to rehome as many wild horses as possible. The National Parks and Wildlife Service has been actively promoting rehoming opportunities through advertising, online information and direct contact with organisations and individuals. I am also pleased to report a recent and encouraging growth in interest from people who are eager to rehome wild horses. As at 3 August 2020, 15 applications had been approved to rehome around 180 wild horses from the park. Where horses cannot be rehomed, horses will be— [*Time expired.*]

**The Hon. DON HARWIN:** I seek an extension of time.

**Leave granted.**

**The Hon. DON HARWIN:** If horses cannot be rehomed, they will be sent to a knackery in accordance with all relevant animal welfare requirements. The objectives of the highly focused post-fire control program to be carried out in three areas are consistent with the object of the Kosciuszko Wild Horse Heritage Act 2018, which is to protect the environment and the wild horse heritage values of the park. Development of a wild horse heritage management plan under that Act continues with input from the community and scientific advisory panels. The plan will establish long-term measures for managing a sustainable wild horse population and methods of acceptable control. Also it will ensure protection of the environmental values of the park. It is proposed to publicly exhibit the management plan in the second half of 2020.

## COOLER CLASSROOMS PROGRAM

**The Hon. ROSE JACKSON (12:15:19):** My question is directed to the Minister for Education and Early Childhood Learning. Will the Minister explain why her department has taken more than 15 months to assess 447 second-round applications for the Cooler Classrooms Program and when will the schools be properly air-conditioned?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:15:40):** I thank the honourable member for her question about the Cooler Classrooms Program. We are very committed to the program which provides a safe and comfortable learning environment for all students in New South Wales public schools. As the member is aware, we announced a \$500 million program over five years to fund the installation of air conditioning in more public school permanent learning spaces and libraries than ever before. In fact, more than 900 public schools received air conditioning as a result of this unprecedented funding boost, which is the largest investment of its kind in New South Wales history.

As part of the project's scope, new schools, major upgrades, redevelopments and relocated schools that are yet to be delivered will also have air conditioning installed in permanent learning spaces and libraries. I advise the member that all demountable teaching spaces have been fitted with air conditioning. We are proud of the rollout of such an important program. It is not as simple as installing a regular air-conditioning unit. We must achieve the very best outcome for students and teachers. We are installing integrated air-conditioning systems. That additional work being done now will deliver a better system in the long run. The systems have been designed for each individual school, allowing the school to keep the temperature and running costs low.

As at 30 June this year, of the 900 schools that have been approved so far, 878 have undergone extensive audit and due diligence processes, including onsite inspections and detailed scoping of works, assessment of electrical capacity and any potential heritage factors. Some 112 schools have had the system fully installed, including sealed schools, with a further 115 in the construction phase. Some 94 schools are currently in the design phase, with 86 projects being tendered. In the first 22 months of the program, 407 of the 919 schools have either had air-conditioning systems installed or are part way through delivery. That number will increase more rapidly as the program rolls out. The member asked me about round two of the Cooler Classrooms Fund. As I have said to many members who have asked me about that, round two applications have been received and are currently being assessed.

**The Hon. ROSE JACKSON (12:18:17):** I ask a supplementary question. Will the Minister elucidate that part of her answer about round two of the Cooler Classrooms Program and confirm when the assessment for round two will be completed?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:18:31):** I repeat my earlier answer that those applications are currently being assessed.

**The Hon. COURTNEY HOUSSOS (12:18:44):** I ask a second supplementary question. Will the Minister elucidate that part of her answer where she said that the round two assessments are still being undertaken and will she explain why there has been such a significant delay, given that the first round took only three months to assess and the second round has taken more than 15 months?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:19:07):** I refer to my previous answer.

#### REGIONAL YOUTH TASKFORCE

**The Hon. WES FANG (12:19:24):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on the Regional Youth Taskforce's most recent meeting and its achievements?

**The PRESIDENT:** The Clerk will stop the clock. The Minister has the call.

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:20:30):** It is great to have the attention of all members in answering the Hon. Wes Fang's incredible question. In July we held the third Regional Youth Taskforce meeting in Queanbeyan. I cannot express my absolute pride in each and every member of the Regional Youth Taskforce, who are incredible young people. The most recent meeting focused on the New South Wales Regional Youth Framework's third pillar, wellbeing, which fits in nicely with my other portfolio of Mental Health. Its objective is to ensure that young people are mentally and physically healthy, safe and thrive in their communities. Our acting Advocate for Children and Young People, Zoe Robinson—who is an incredible woman with so much energy and commitment to young people—was a fantastic facilitator for the day. All members were engaged and spoke openly, honestly and with courage about their personal stories.

To give members a taste of some of the topics raised by the Regional Youth Taskforce, suggestions included ways to reduce stigma when asking for mental health and wellbeing support; introducing life skills as a mandatory subject in schools; streamlining government and non-government services and holding them to account; improving awareness of TAFE courses, particularly for people with disabilities; and supporting prominent persons and young people to show that being vulnerable and openly seeking support is a good way to normalise mental health and wellbeing care. One task force member specifically mentioned the member for Bega, Andrew Constance, and his ability to come forward with how he had suffered during the bushfires, and how much it meant to them to see someone putting up their hand for help. The task force also wants to make greater connections between physical activity and mental wellbeing.

Some distinguished guests joined us for a discussion during the day, including Shane Fitzsimmons, former commissioner of the RFS and recently appointed leader of Resilience NSW; Dominic Teakle, a terrific gentleman and CEO of Police Citizens Youth Club NSW; and Jason Threthowan, CEO of headspace, who joined us virtually

because he is a resident of Victoria. Shane, Dominic and Jason are all leaders in the wellbeing space and they joined the meeting to hear directly from the task force about its ideas on how it can adapt its services and improve community resilience. Our Regional Youth Taskforce was established less than a year ago but has already put forward suggestions that have resulted in real change: Young people living in regional and rural areas can now transition from P1 to P2 and finalise their P-plate licence applications online without needing to travel. Its ideas have helped shape the Drought Break Program and provided feedback and comments on the NSW Curriculum Review. I am so proud of everything it has done. [*Time expired.*]

### TEACHER PROFESSIONAL DEVELOPMENT

**The Hon. MARK LATHAM (12:23:25):** My question is directed to the Minister for Education and Early Childhood Learning. I draw the Minister's attention to her December 2019 statement—a very good statement—that political material is a matter for parents, not schools. Why then has a Victorian organisation called Teacher Learning Network been accredited for 23 professional development courses in New South Wales as part of political teaching on refugee policy, colonisation and gender fluidity? Is the Minister aware of the course being run tonight, where a Melbourne preschool teacher is telling our teachers how to break the rigid ideas about gender that children develop from an early age and make them embrace so-called "diversity"? When will accreditations such as this be withdrawn from the professional development program and it return to a core focus on best-practice teaching to deliver student academic growth?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:24:20):** I thank the Hon. Mark Latham for his question. He asked whether I was familiar with the professional development course being run in Melbourne this evening. I am happy to tell the member that I am not aware of that one. His question largely links to questions that he and a member of the Government asked yesterday about professional development accreditation for courses. As I told to the House yesterday, I have asked the NSW Education Standards Authority [NESA] to review the 42,000-odd courses that are available and to revamp the accreditation process. I refer to the comments I made yesterday, as I canvassed the matter quite extensively. I know that the member has an ongoing interest in this issue he and has spoken to me about it. A second reading debate later today will probably generate discussion on some of these issues as well. As I said, I have asked NESA to review those courses and I will keep the member and the House up to date on that process.

### COOLER CLASSROOMS PROGRAM

**The Hon. MICK VEITCH (12:25:31):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Has the Government broken its promise to air-condition western New South Wales schools with January mean temperatures of more than 30 degrees, given that Bourke Public School, Bourke High School, Brewarrina Central School, Cobar High School and Nyngan High School are still not air conditioned?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:26:00):** I thank the Hon. Mick Veitch for his question about the rollout of the Cooler Classrooms Program and for referring to some specific schools. As I said in an earlier answer during question time, more than 900 public schools received air conditioning as a result of the program. Under the program, schools that experience a mean maximum January temperature of 30 degrees Celsius and above will automatically be eligible to have air conditioning and fresh-air ventilation systems installed in permanent learning spaces and libraries. Schools with a mean maximum January temperature of below 30 degrees can apply to the fund to have air-conditioning systems installed in their permanent learning spaces and libraries.

The member has referenced a number of specific schools and I am happy to take those on notice and give him advice in relation to the particular school projects. The other point I make—with the caveat that I do not know about this regarding those particular schools—is that in other instances if a school already had air conditioning prior to this particular rollout of programs and they are having upgrades then it is part of that as well. I will look at the detail of the particular schools that the member referred to and come back to him with the specifics.

### NSW SMALL BUSINESS MONTH

**The Hon. SAM FARRAWAY (12:27:26):** My question is addressed to the Minister for Finance and Small Business. How will Small Business Month be held this year and how will it help small businesses throughout New South Wales?

**The Hon. Walt Secord:** Give them assistance—that is how you help them.

**The Hon. Mick Veitch:** You look tired; you've been doing a fair bit the past couple of days.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:27:54):** That is right, we know how to do it. They cannot help themselves.

**The Hon. Walt Secord:** Mr 3 per cent.

**The Hon. Mick Veitch:** Here's the program—go and apply for it.

**The Hon. DAMIEN TUDEHOPE:** Here is a program, have some money, it is all good. Get out the door.

**The Hon. Penny Sharpe:** Here's a program that no-one gets any money for.

**The PRESIDENT:** The Clerk will stop the clock. The Minister said, "They cannot help themselves", obviously meaning members interjecting and making comments. The Minister should also help himself by not acknowledging them and encouraging them to continue to make interjections. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** I accept the admonition. I thank the Hon. Sam Faraway for his question and his continued interest in small business. He is one of the few members in this place who has a background in small business and he understands—

**The PRESIDENT:** I call the Hon. Walt Secord to order for the first time. I have issued enough warnings.

**The Hon. DAMIEN TUDEHOPE:** The fourth annual NSW Small Business Month will be held in October 2020. The Government has made \$640,000 available in funding for grants of up to \$2,000 for local chambers of commerce and local councils to run COVID-safe events offline or online to support and encourage local businesses in recovery. For the 785,000 New South Wales small businesses that employ 1.6 million people, or 41 per cent of the private sector workforce, this has been one of their toughest years. There has been drought, devastating bushfires and the ongoing global COVID-19 pandemic. Our small businesses are resilient, but they need our support. That is why this year's Small Business Month will focus on events and activities designed to help small businesses to reboot, upskill and look to the future as part of the recovery phase.

Events and activities need to be focused on the main themes for this year. The themes include: building a brand on social media and working with digital technologies; financial foundations, which explores the grants, support and learning available to safeguard a business; research, plan, do—how to plan for the future with market research and develop tactics for risk and disaster management—and futureproofing your business for "your team and you", gaining insights on how to hire, manage, train and retain the best staff. Grants are open until 31 August or until the available funding has been allocated. The Government has told organisers that the events must be COVID safe. Events are expected to be conducted online or in venues with appropriate space and a COVID-19 Safety Plan. Encouraging our small businesses to reboot, upskill and look to the future is just one component of this Government's six-point COVID-19 Recovery Plan to ensure that we remain resilient and build a futureproof economy. I encourage all members in this place to promote Small Business Month. I encourage local chambers of commerce and local councils to get on board and apply for funding.

### BUSHFIRES AND THREATENED SPECIES

**The Hon. MARK PEARSON (12:31:17):** I direct my question to the Minister for Finance and Small Business, representing the Minister for Energy and Environment. Last year's catastrophic bushfires devastated our forests and now there are concerns that illegally sourced firewood from felled surviving trees is creating a lucrative black market. Given that this may be causing significant ecological harm to remnant habitat for koalas and other threatened species of native animals, is the Minister aware of any such illegal activities in areas of environmental significance? If so, what is being done to curtail those activities?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:32:07):** I now represent the Minister for Energy and Environment, so I will respond to the question.

**The PRESIDENT:** It is a matter for the Minister to decide whether he wishes to answer the question.

**The Hon. DON HARWIN:** The Hon. Mark Pearson is extremely interested in these particular issues. Koala habitat is very important, particularly in light of the bushfires. I will take the question on notice and refer it to the Minister. However, I will provide some additional information in relation to recent analysis, which indicates that 1.9 million hectares, or 22 per cent of eastern New South Wales, that was modelled as having high or very high suitability for koala habitat was affected by the bushfires. That is a very serious issue. The South Coast was the worst affected region, with 68 per cent of its high and very high suitability koala habitat located within the fireground. The Government's *Wildlife and Conservation Bushfire Recovery: Immediate Response* sets out emergency actions to support native wildlife, including koalas. On-ground actions to help koalas include the installation of drinking stations, as well as post-fire, on-ground surveys at key locations, including Murrah Flora Reserve and Biamanga National Park on the South Coast, the Southern Tablelands, Kooraban National Park and south-east coastal forests.

Taronga Conservation Society Australia has created an e-learning module to provide expert knowledge to veterinarians and veterinary nurses to rescue, treat and rehabilitate bushfire-affected wildlife, including koalas. Taronga's wildlife hospitals have provided treatment and care to over 100 koalas impacted by drought and bushfires. Research is underway to improve our understanding of the impacts of fires on koala numbers and populations. The Government convened a meeting of experts on 3 February 2020, chaired by the Deputy NSW Chief Scientist & Engineer, to inform the development of bushfire recovery actions to help koala populations recover. I hope that is of some preliminary assistance to the honourable member. Nevertheless, I will take the question on notice, because other aspects of the question will need to be addressed by my colleague the Minister for Energy and Environment.

### UNFLUED GAS HEATERS

**The Hon. COURTNEY HOUSSOS (12:35:09):** I direct my question to the Minister for Education and Early Childhood Learning. At the last election the Government promised to remove all unflued gas heaters in New South Wales schools, which NSW Health says can lead to carbon monoxide poisoning. Why is the Minister unable to provide a list of where the heaters are, and when will the Minister fulfil her promise?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:35:35):** I thank the Hon. Courtney Houssos for her question in relation to unflued gas heaters. I thought this question might come, because the Opposition has raised this before. Indeed, the shadow Minister for Education released a press release not long ago about dangerous unflued gas heaters and their danger to children. "Dangerous" was mentioned a few times in her press release. I find that curious, because I have another press release from another Labor member, the Hon. Verity Firth, when she was the education Minister.

**The Hon. Walt Secord:** I remember that one.

**The Hon. SARAH MITCHELL:** I remember that as well. She made reference to a study that was conducted by respiratory specialists at the independent Woolcock Institute and then presented as a report to the then Government. The press release said that "based on this evidence there is no cause for alarm."

**The Hon. Bronnie Taylor:** Point of order: I am very interested in the education Minister's response to the question asked by the Hon. Courtney Houssos. It is exceedingly difficult to hear because of the numerous interjections from members on the other side of the Chamber. I ask that members be called to order.

**The PRESIDENT:** I uphold the point of order. I am struggling to hear the Minister. As members will appreciate, this may cause problems if a supplementary or second supplementary question is asked and I cannot link it to the answer that was given by the Minister. The result of the interjections may well be that, at my discretion, I will not allow a supplementary question because I could not hear the answer. The Minister has the call.

**The Hon. SARAH MITCHELL:** As I was saying, it is very interesting when you look at what Labor says when it is in government versus what it says when it is in opposition.

**The PRESIDENT:** The Minister will resume her seat. I call the Hon. Courtney Houssos to order for the first time. I remind the Hon. Walt Secord that he is on one call to order. The Minister has the call.

**The Hon. SARAH MITCHELL:** I am very happy to say that when the Liberal Party and The Nationals were in opposition they lobbied strongly for the then Keneally Government to commit to a program of replacing unflued gas heaters. The program was ultimately announced in June 2010, with \$15 million to replace unflued gas heaters at approximately 100 schools including a halt on the installation of these heating units under the Building the Education Revolution. It is important to contextualise what we are talking about. I advise the member that the department no longer installs unflued gas heaters in public schools as other heating, cooling and fresh-air ventilation systems provide a better solution. I am also advised that in 2011 an environmental health risk assessment was conducted to assess the use of unflued gas heaters. The report indicated that low-NOx unflued heaters were safe.

I am also advised that this program and assessment followed the 2009 commissioning of public works to remove high-NOx unflued gas heaters or replace high-NOx burners with low-NOx burners on behalf of the Department of Education. Approximately 4,000 heaters were removed or converted during this program. Many of the units were removed and a significant number were converted, with the burners replaced to make the units low NOx. I also advise the member that all gas heaters are inspected annually to ensure they operate to existing performance and safety standards, and all necessary repairs are conducted. Heaters are continually replaced, either when they reach the end of their serviceable life or as part of our \$500 million Cooler Classrooms Program. The Cooler Classrooms Program has already seen the removal of more than 300 unflued gas heaters, with a further 2,700 heaters estimated for removal from learning spaces across New South Wales public schools. Advice on the

use of unflued gas heaters has been provided to schools and should be consulted when operating the units. This includes an asset notice with ventilation requirements and a "frequently asked questions" section on the department's website.

**The Hon. COURTNEY HOUSSOS (12:40:08):** I ask a supplementary question. Will the Minister elucidate that part of her answer where she referred to low-NOx heaters? Will the Minister guarantee that all unflued gas heaters in New South Wales schools are now low-NOx gas heaters?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:40:35):** I refer to what I said in my original answer, which is that I am advised that the program and assessment followed the 2009 commissioning of public works to remove high-NOx unflued gas heaters or replace high-NOx burners with low-NOx burners on behalf of the Department of Education. Approximately 4,000 heaters were removed or converted. Many of the units were removed and a significant number were converted, with the burners replaced to make the units low NOx.

### REGIONAL RENEWABLE ENERGY ZONES

**The Hon. WES FANG (12:40:57):** My question is addressed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on the Government's new renewable energy zones, particularly in our regions?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:41:24):** I take it that the Hon. Wes Fang is asking me that question in my capacity as Minister representing the Minister for Energy and Environment. In June 2018 I announced that the New South Wales Government would develop a Transmission Infrastructure Strategy. I made the point at the time that our State's transmission infrastructure was predominantly built 50 years ago to service the State's fleet of coal-fired generators. While noting that this network has served us well, I stressed that the assets were ageing and we needed up-front and early plans to manage the transition rather than expect it to sort itself out.

That strategy was then launched by me in November 2018, containing four key actions. One of those actions was to increase New South Wales' energy capacity, with three key energy zones that would become the focus for new energy generation, bringing major investment support into regional economies. I am extremely pleased that the work I championed is now at the heart of my successor's work as energy Minister, designing and implementing the State's Electricity Strategy—the first such strategy in the nation. Together, the three renewable energy zones are expected to deliver \$23 billion in private sector investment in our regions, with around 2,450 construction jobs and over 1,300 ongoing jobs in the Central West, Orana and New England regions. The zones will be the modern equivalent of traditional power stations, bringing together low-cost solar and wind with transmission and storage to help meet our future needs.

We have received an overwhelming response to our renewable energy zones, with the Central West zone receiving nine times the level of interest for available capacity. That is 27 gigawatts of interest for a three-gigawatt zone. Jobs and investment opportunities will go well beyond simply building energy generation, storage and transmission projects. The Government will also look at ways to capture value from project proponents to direct towards infrastructure and other projects that benefit local communities. Abundant cheap, clean and reliable energy provides a platform to help re-industrialise our regions and attract international investment in emerging energy-intensive industries such as intensified agriculture and food processing, advanced manufacturing, waste recycling or hydrogen production. The House may be assured that the Government will work closely with local stakeholders in the regions to find ways to maximise benefits and drive investment that will help communities emerge from our current COVID predicament stronger than ever.

### COVID-19 AND GALLIPOLI MOSQUE

**The Hon. ROD ROBERTS (12:44:18):** My question without notice is directed to the Hon. Don Harwin, representing the Premier. Given that New South Wales is now on high alert experiencing its second wave of COVID-19, who made the decision to grant an exemption to the Auburn Gallipoli Mosque, allowing 400 worshippers to gather at one time on Friday 31 July 2020? What exceptional circumstances were considered to justify the granting of that exemption?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:45:01):** I thank the Hon. Rod Roberts for his question. I am not familiar with the details of the particular event that the member mentioned in his question. I will refer the question to the Premier for her response. I am sure her response will cover the matters that the honourable member asked about, including, if necessary, seeking advice from other Ministers, such as the Minister for Health and Medical Research.

### WESTERN SYDNEY MENTAL HEALTH SERVICES

**The Hon. TARA MORIARTY (12:45:36):** My question is directed to the Minister for Mental Health, Regional Youth and Women. Given that Richard Cracknell, director of the emergency department at Campbelltown Hospital, said that more than half of emergency mental health patients will leave Campbelltown Hospital "having never seen the inside of a mental health unit", what measures has the Minister taken to address the ongoing health issues at Camden and Campbelltown hospitals?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:46:18):** I thank the honourable member for her question in regard to Campbelltown and Camden hospitals and the particular comments referred to that I was not aware of. Obviously those parts of Sydney are fast growing, and the Government is in the process of making a big investment in the area. Over a quarter of the New South Wales population lives in western Sydney, as everyone in this Chamber will be aware. It continues to grow at a faster rate than the rest of the State. Growth in western Sydney represented approximately 29 per cent of the increase in the New South Wales population in 2018. In 2019 alone, 39,000 new people arrived in western Sydney.

The Government is aware of that, and is responding. For example, the \$632 million stage two Campbelltown Hospital redevelopment will include a significant expansion of mental health services, and the new \$740 million Liverpool Health and Academic Precinct will include a new emergency department and enhanced levels of care. I have visited Campbelltown Hospital and the new state-of-the-art community mental health centre. I suggest to anyone who has an interest in mental health, and particularly in community-based services, that they visit this new centre. It is fantastic. It is a great working space that is conducive to better outcomes. It is a very modern centre that will deliver modern mental health care.

We will also see an expansion of mental health services at Nepean and the \$25 million Bankstown-Lidcombe Hospital Emergency Department redevelopment will also include dedicated mental health facilities. We are developing a community-based project in South Western Sydney Local Health District Mental Health Service to assist in reducing demand across emergency departments. This is the community mental health 24-hour flexible housing treatment and support program. We know that if somebody has a mental health illness, they need a home. They need to have somewhere where they can get the assistance they need.

The Rapid Emergency Mental Health Service program, which commenced on 10 April last year, that diverts consumers who fit the program's criteria requiring mental health care from presenting to an emergency department is continuing. We continue to look at those issues across the board, including alternatives to emergency department care. Interestingly, from 10 April to 25 June 2020 the program has diverted 612 consumers from emergency departments to the community mental health service. That is quite a phenomenal result and one that will ensure best practice and best care.

### STUDENT SUPPORT OFFICERS

**The Hon. MATTHEW MASON-COX (12:49:33):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister provide an update on the Government's commitment to provide additional student support officer positions in all public secondary schools?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:50:00):** I thank the member for his question. The issue of mental health and the wellbeing of students in New South Wales public schools is very important. It is something I take extremely seriously as does my colleague the Minister for Mental Health, Regional Youth and Women. That is why we announced our \$88.4 million election commitment to provide every public high school in New South Wales with two dedicated mental health professionals. This will ensure that our students have access to timely mental health and wellbeing support no matter where they live.

Over the next three years an additional 100 school counsellors or school psychologists will be employed so that every high school will have specialist psychology support. An additional 50 student support officer positions have been created, which will ensure every public high school in New South Wales has access to a dedicated wellbeing and mental health professional. Students will have even more support to deal with bullying, anxiety, stress, and any other difficult issues they may face at school. Student support officers do a fantastic job working within the school community and in partnership with the learning and support team and school counselling service to enhance students' social and emotional wellbeing and learning outcomes. They also support the implementation of the Government's whole-of-school approach to wellbeing. They assist students in developing social and emotional skills through targeted strength-based programs and strategies that build resilience, coping skills and positive relationships.

It is particularly important at the moment while we are in the middle of the COVID-19 pandemic. To support our communities through COVID recovery we are looking at different infrastructure builds within the school space. Other portfolios are considering our recovery from the pandemic too, but in education we also have

to think of the impacts on students and their mental health coming out of this pandemic. The student support officers and extra mental health positions are going to be even more vital than before given the year that 2020 has been. I am proud to be part of a government that recognises the importance of supporting students, particularly those in regional and remote New South Wales. In acknowledgement of the ongoing impacts of drought, bushfires, floods and the pandemic, many of the first 183 positions are in regional or rural areas to provide students with timely and much-needed support.

The first phase of 183 schools will receive a student support officer position from this month. I am thrilled to say that for the first round we had a strong and competitive pool of over 1,200 applicants from across New South Wales. The recruitment process is currently being finalised. The students and the school community at Farrer Memorial Agricultural High School in Tamworth have benefited from having a full-time student support officer in their school since 2016. Susan is a qualified social worker with additional mental health qualifications. It has meant that the school's approach to mental health and wellbeing can be proactive, not reactive, and it can be preventative. Susan's role has the flexibility to initiate programs that target specific wellbeing needs at the school. It is a great program and I am happy that we are delivering it. [*Time expired.*]

#### SHENHUA COALMINE

**Ms CATE FAEHRMANN (12:53:05):** My question without notice is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Since the House passed a motion calling on the Government to ensure the proposed Shenhua Watermark coalmine did not destroy Aboriginal sites and artefacts, Shenhua has applied to extend its mining lease. What steps has the Aboriginal affairs Minister taken to ensure that the irreplaceable sacred sites of the Gomeroi people like the 60-metre long grinding grooves that one Liverpool Plains farmer described "as big as a double-decker bus" are not destroyed?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:53:53):** I thank Ms Cate Faehrmann for her question. I asked for advice on this matter when I returned to being the Aboriginal affairs Minister. I have not received a reply. I thank the member for asking the question because it prompts me to ask why I have not received a reply. I take these matters extremely seriously. As the member is well aware I have more than a passing acquaintance with the Shenhua Watermark project. I will take the question on notice and obtain a response as quickly as I can. It is probably not feasible to do it by the end of question time today but hopefully tomorrow. I will make every endeavour to get a response as quickly as possible.

#### SUICIDE PREVENTION

**The Hon. MARK BUTTIGIEG (12:54:58):** My question is directed to the Minister for Mental Health, Regional Youth and Women. Given the Brain and Mind Institute has found that the number of suicides are likely to increase by 13.7 per cent over the next five years, will the Minister revise the New South Wales suicide prevention strategy?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:55:16):** I thank the honourable member for his question. I am aware of the report that he refers to from the Brain and Mind Institute. There is also advice from the chief psychiatrist recently appointed by the Federal Government, who says that we need to consider the data when we are talking about the potential risk of increased suicides. The second part of the member's question was if I would consider reviewing the suicide prevention strategy.

**The Hon. Mark Buttigieg:** Will you revise it?

**The Hon. BRONNIE TAYLOR:** The New South Wales suicide prevention strategy is coming up with some fantastic initiatives. We are looking at alternatives to emergency department care. I will not revise that program because I am full steam ahead with what that program is doing. Anyone in mental health and I know that an emergency department is not best place for someone who is experiencing an acute episode. We have to look at that. We are full steam ahead with having suicide specialist teams going into communities who are finding out what needs to be done and training other people. All members in this Chamber should be extremely proud that this Government specifically dedicated new spend on suicide prevention. The COVID response was indicated in the initial part of the member's question when he referred to the paper from the Brain and Mind Institute. The Government announced \$73 million in new money for COVID mental health.

We looked at programs like the Police, Ambulance and Clinical Early Response and we are going to create positions for 180 new mental health clinicians in New South Wales. We will invest over \$20 million in virtual mental health. That means a virtual mental health team for each of the 15 local health districts in New South Wales. That does not mean someone is doing something extra as part of their job. They will be trained clinicians who will help to educate everyone else. That is a pretty good strategy. We also announced the Tresillian app to

help mothers and young families to deal with the COVID situation of being isolated. I have spoken about that numerous times in the Chamber. We have had unprecedented hits on that app. This Government is investing more in mental health than we have seen before. I am extremely proud of its COVID response. People in the mental health community are proud of it. This Government is increasing funding to our main triage mental health line. [*Time expired.*]

**The Hon. MARK BUTTIGIEG (12:58:27):** I ask a supplementary question. Will the Minister elucidate her answer because she seems to have a degree of satisfaction for the current strategy. Is the implication from her answer that the current strategy will forestall the predicted 13.7 per cent rise in the suicide rate?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:58:53):** I will be completely transparent. It is not reasonable for any member in this place to say that they can prevent something from happening to a certain percentage of people. What I can do—and what I am doing as the Minister for Mental Health in this State—is make sure that we are investing in preventative health measures, that we are investing new money in our COVID response and that we have a suicide strategy that is fully progressed. Recently 10,000 gatekeepers were announced—5,000 in rural and regional New South Wales. These people are on worksites. I know the honourable member would feel very passionately about this: Tradies and electricians and other people working on worksites are going to be specifically trained to identify if their co-worker, who they have known for a very long period of time, suddenly is behaving a little bit differently, which might indicate that they are experiencing a mental health episode or may be experiencing suicidal ideation. That male or female worker will now have the ability to assist their co-worker and refer them on.

We have seen huge success in the construction industry already with this initiative. I am making sure that we have the courage to try new and different things, such as the Police, Ambulance and Clinical Early Response [PACER] program. I think that is what we have to do. Can I stand here and tell the House that with these policies I am going to be able to prevent every suicide in New South Wales? No, I cannot, and I think it would be very unreasonable for anybody to expect that. But what I am doing is making sure that we have got the programs that we need that are getting implemented and are on the ground and happening as we speak.

**The Hon. WALT SECORD (13:00:45):** I ask a second supplementary question. Will the Minister elucidate her answer. In her answer she referred to alternative advice from the Chief Psychiatrist to respond to the 13.7 per cent increase in suicides projected over the next five years. What is the other advice that she was referring to?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (13:01:22):** What I referred to was the new Chief Psychiatrist who has been appointed by the Federal Government and her direct responses to the report from the Sydney Brain and Mind Institute that the honourable member referred to in his question. If the member would like those exact quotes I am very happy to table them, but I do not have them with me today.

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

#### COOLER CLASSROOMS PROGRAM

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:01:55):** Earlier in question time the Hon. Mick Veitch asked me a question about the Cooler Classrooms rollout at a number of schools in western New South Wales. I have been able to get some advice from the department in relation to that as at the end of May 2020. I think I have got advice on all the schools he asked for and maybe one or two extras. I am advised that for Bourke Public School and Bourke High School the project is currently out to tender. At Cobar Public School it is in the design phase. At Brewarrina Central School the project is out to tender. At Nyngan High School it is also out to tender and at Nyngan Public School it is in the design phase. If I have missed any schools on the honourable member's list I will add them.

#### NATURAL RESOURCES COMMISSION

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (13:02:34):** Earlier in question time I was asked a question by Mr Justin Field in my capacity as representing the Minister for Water in this place. I am advised that the report was provided to the Minister's office on 15 May. It is ultimately a matter for the Natural Resources Commission to release the report when it is prepared to do so, pending any final amendments.

*Supplementary Questions for Written Answers***CARRIAGEWORKS ARTS PRECINCT**

**The Hon. WALT SECORD (13:03:06):** My supplementary question for written answer is directed to the arts Minister. It relates to his answer to a question on Carriageworks when he referenced the Independent Arts and Cultural Organisations fund. Why was the application for critical funding under the Independent Arts and Cultural Organisations granted to the award-winning theatre group Red Line Productions at the Old Fitz given that it organised online global play readings during COVID, featuring international actors including United States based Alec Baldwin and Rose Byrne?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:04:01):** While I am happy to take the question, my understanding is that supplementary questions for written answers have to be relevant to the original question asked. In no way is this supplementary question relevant to Carriageworks.

**The Hon. WALT SECORD:** I would like to respond to that. In his answer the Minister segued from Carriageworks and spoke at length about the Independent Arts and Cultural Organisations fund. He introduced it to the answer.

**The Hon. DON HARWIN:** Let me be quite clear: I was speaking about arts and culture funding that had been awarded to the resident companies of Carriageworks. Unless the honourable member is suggesting that Red Line is a resident company of Carriageworks, there can be no possible link. I am perfectly happy to deal with the question in another context, but it is out of order in this context.

**The Hon. WALT SECORD:** The Minister spoke at length. He started his answer on Carriageworks and segued to this program himself.

**The PRESIDENT:** As I have indicated on past occasions, with a supplementary question members have to, in effect, tick the three boxes, as I have referred to it. The supplementary question must actually and accurately be related to the original question; it must relate or arise from an answer; and it must seek to elucidate a part of the answer given. With these supplementary questions the same rules apply. Therefore, the three boxes have not been ticked and the additional supplementary question is out of the order. But, of course, it is open for the member tomorrow to ask it as a new question.

**TEACHER PROFESSIONAL DEVELOPMENT**

**The Hon. MARK LATHAM (13:05:52):** Ticking all three boxes, my supplementary question is directed to the Minister for Education on the question of the professional development review at the NSW Education Standards Authority [NESA]. Could the Minister provide in writing to the House the criteria that NESA is using for the review of the 42,000 professional development courses?

*Questions Without Notice: Take Note*

**TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. COURTNEY HOUSSOS:** I move:

That the House take note of answers to questions.

**COOLER CLASSROOMS PROGRAM****UNFLUED GAS HEATERS**

**The Hon. COURTNEY HOUSSOS (13:06:37):** In question time today the Opposition asked a series of questions about the Cooler Classrooms Program. This program was a \$500 million program announced with much fanfare in response to Labor's policy to promise to air-condition classrooms. The Government promised to air-condition 900 schools over a five-year period. Round one was quickly rolled out in 2018, and in just three months the Government managed to assess the project and get the announcements out the door—conveniently before the election—telling schools that they would be receiving this air conditioning funding. In April 2019 the Government opened round two of the funding. Those 447 schools have been left in limbo for 16 months. It is coming up to two summers that those schools have been waiting to find out whether they are going to be successful in their applications.

We found out today that just 112 schools in almost two years of the program have had air conditioning installed. Is it any wonder that schools like Coonamble Public School have just gone ahead and installed air conditioning themselves? They have found that it is faster for them to raise the money themselves, do the installation and complete the project before they hear back from the Government. We know about the educational impacts; a major Harvard study shows that for every degree a classroom is hotter educational standards drop by

the equivalent of two IQ points. That is a significant decrease when we consider the length of the Australian summer. It is no wonder we are facing educational sliding standards when we see kids in western Sydney and western New South Wales lying on the floor of non-air-conditioned classrooms as they wait for this Government to get its act together.

I also asked today about unflued gas heaters—heaters that are banned across Australia except in New South Wales schools. In 2012 this Government promised to remove the 48,000 unflued gas heaters, after much fanfare in Opposition by the National Party predecessor of this Minister that when they were in government they would remove them. Eight years on, the Minister in her answer today referred solely to what Labor did to remove these unflued gas heaters when it was in government over a decade ago. In a decade the Minister has nothing more to say than what Labor did in 2009. The only small piece of confidence that she gave was that they no longer install unflued gas heaters in New South Wales schools. What a disgrace.

#### UNFLUED GAS HEATERS

**The Hon. WES FANG (13:09:35):** Another day, another flaccid fear campaign from the Labor shadow shadow education Minister. A note to the shadow Minister, Prue Carr: Somebody is after your job. In reference to the answer that the Minister for Education and Early Childhood Learning gave to the Hon. Courtney Houssos, based on the information presented by the honourable member, she has the whole premise of the question wrong. Former education Minister Adrian Piccoli's media release clearly said that when heaters reach end of life they will be replaced by flued gas heaters. The Government has looked at replacing the old heaters with either a flued gas heater or an alternative heating or cooling source, as the Minister said.

The Government is also ensuring that it replaces high-NOx burners with low-NOx burners where possible. The education Minister, the Hon. Sarah Mitchell, and the previous education Minister, Adrian Piccoli, have certainly got students in mind. The Minister produced a media release from the former Labor education Minister, Verity Firth, espousing the safety of gas heaters. It is interesting to note how Labor members speak in opposition and how they try to sell things in government. The Nationals and the Liberals in government act; we deliver. Those opposite try to defend and talk and do nothing. That is a good example of why we are in government and those opposite will be on that side of the Chamber for a long time. The best the Opposition can do is run a fear-and-smear campaign.

**The Hon. Mick Veitch:** You never did that from opposition, did you? You should read what Piccoli said in opposition.

**The Hon. WES FANG:** I am pleased to be standing here defending the Government's position. To Contrary Courtney over there, I say: Try and be positive for once. [*Time expired.*]

#### UNFLUED GAS HEATERS

#### SUICIDE PREVENTION

**The Hon. PENNY SHARPE (13:12:50):** The only advice I would offer the Hon. Wes Fang is that some of us have long memories and would have a few more facts in front of us before making a contribution such as that. Prior to the 2011 election Labor promised to replace some unflued gas heaters—around 100 of them, which the Minister trumpeted today in her answer. At the time Mr Piccoli, who led a relentless campaign across the State, called unflued gas heaters dangerous and poisonous. He even said that parents were being forced to fundraise so they could be confident their children could learn in safety. Before the 2010 election Barry O'Farrell said that the replacement of heaters should have begun years before, claiming ongoing delays were causing further angst to parents and teachers. That was the promise before the election.

In 2012 Mr Piccoli said the Government would not be doing that. He ruled out putting the heaters into new schools but said old heaters would be replaced when they became obsolete. Some of the heaters have a 20-year lifespan. So Adrian Piccoli's statement in 2012, when he completely dumped his promise to parents and teachers across this State, means that nothing will happen until at least 2032. So I thank the Hon. Wes Fang for his contribution because he needs to have a longer memory when it comes to broken promises and failures for kids and schools and the teachers in those schools.

I respond to the Hon. Bronnie Taylor's answer about the Brain and Mind Research Institute's disturbing report this week. According to its best-case scenario modelling, in the next five years there will be a 13.7 per cent increase in suicides—on top of our already terrible suicide rate. The Opposition's questions did not seek to prompt the defensive response that the Minister for Mental Health, Regional Youth and Women gave. They were questions about a serious matter within the context of COVID-19—that is, do we need to revise and review our current plans because we are now dealing with something unprecedented? The Minister's answer was very defensive. Nobody on this side of the House complains that there is new money for mental health. We

acknowledge that and we welcome it. But to pretend that everything is perfect, that we do not need to make changes and that we do not need to review what we are doing given this disturbing report is a disappointing response from the Minister.

### **MURWILLUMBAH EAST PUBLIC SCHOOL REGIONAL RENEWABLE ENERGY ZONES**

**The Hon. ADAM SEARLE (13:16:16):** I refer to the response to my question to the education Minister about Murwillumbah East Public School. This issue has a bit of history. On 12 June the Minister's Parliamentary Secretary, Kevin Conolly, wrote to my colleague the member for Lismore, Janelle Saffin. He indicated that in relation to this upgrade—the replacement of the library and four classrooms lost in the 2017 floods—planning works were underway. The Minister indicated on notice that work would begin in mid-2021. The Government has clearly had a brain failure because the former member for Lismore, Thomas George, confirmed there was money in the 2018-19 State budget to address the damage to Murwillumbah East Public School.

People with long memories will remember Thomas George's Facebook posts. On 13 June *The Sydney Morning Herald* ran an extensive piece about all the education initiatives this Government claimed it was implementing in that year's budget, and the Murwillumbah East Public School upgrade was listed as being currently underway. So I ask the Government: What happened to the money provided for Murwillumbah East Public School in the 2018-19 State budget, because no upgrade was delivered to the school? Earlier this year I visited the school and met with the P&C, along with the current member for Lismore. It confirmed that no works had been done at the school to permanently replace the lost library and four classrooms.

So who trousered the money? Where did it go? Why must that community wait four to five years to have the repairs done? A student at that school who was in kindergarten in 2017 will be in year 4 when work begins—if in fact work does begin in the middle of 2021. The Government has comprehensively failed that school and it is disappointing that, despite the correspondence to and from the Minister, she was unable to give an answer today about when this upgrade will be delivered. I look forward to her complete answer in due course.

The second issue I address is in relation to energy zones. I acknowledge the Government's work in this space but in those zones there is no guarantee that the new renewable energy projects the Minister spoke about will be delivered. There are two key problems. First, there is the issue of transmission, which those opposite have done nothing to address in nine years, apart from privatising the transmission system. Secondly, the planning system has approved a lot of renewable energy projects but they are not being built because there is a crisis of confidence in the private sector as a result of the mixed messages coming from Macquarie Street, from this Government and from the Commonwealth Government. The Government must get its act together and send a clear signal about the energy future of this State. [*Time expired.*]

### **COVID-19 AND GALLIPOLI MOSQUE**

**The Hon. ROD ROBERTS (13:19:23):** I take note of the answer to my question given by the Hon. Don Harwin. The answer was limited and that is not sarcastic; I understand that he wants to refer it to the Premier herself. Numerous times we have heard the expression "we are all in this together". How can citizens of New South Wales be expected to believe in that jingoism when it is clearly not true? I refer to the exemption to the public health order granted to the Auburn Gallipoli Mosque. As members are aware, the exemption allowed a gathering of 400 people on Friday 31 July. I make it crystal clear that my criticism is not directed at the leaders of that mosque or members of the Islamic faith.

I understand that the Eid prayer is an important day on their calendar. It is as important as Easter is to Christians and as Anzac Day is to Australians as a whole. For the record, I state that no exemptions were granted for those ceremonies. My criticism is targeted directly at the Government and its ad hoc approach to the enforcement of public health orders. I ask two questions. Does the Government have restrictions in place or not? Are we in a pandemic or not? The answer to both is, "Yes." Via the health Minister and the Premier, the Government has continually reinforced that large gatherings have the potential to jeopardise the health and wellbeing of us all. I understand it. What I do not understand—and what the Government has failed to explain—is how it can pick and choose who is at risk and what warrants an exemption.

The citizens of New South Wales will question that when they see the Government applying preferential treatment to one group whilst lecturing the rest on the need for public health order restrictions. The Government is asking for accountability of members of the public to conform with health order requirements, yet it fails to return that accountability to them. For public health orders to work the Government must operate with openness, honesty and transparency, and deal with facts. That behaviour will build the trust with the community that is necessary to ensure that this works. Just yesterday in the media the Premier said:

The harder we work now, the better off we'll be in the long run.

I quote the Premier from an interview on 10 April, when she spoke about the activities of Minister Harwin and the allegations surrounding his travel arrangements. She said, "... the perception is not good." Once again the Government's actions lead to the perception of it not being good. I remind the Government that getting through this pandemic will require the efforts of all of us, not just a select few. Actions speak louder than words. [*Time expired.*]

### NSW SMALL BUSINESS MONTH

**The Hon. SAM FARRAWAY (13:22:29):** I take note of answers given by the Minister for Finance and Small Business, the Hon. Damien Tudehope, about NSW Small Business Month 2020. In October last year I joined the Minister in Orange for the launch of Small Business Month. It was one of my first function as a new member of this place and it was a huge success. It is important to reiterate some of the achievements from 2019 and note what we can look forward to in 2020. In 2019 the Government delivered 422 events to over 20,000 participants. The events were delivered by 43 councils and 104 partners across New South Wales. It was pleasing to see that 77 per cent of the events were held in regional New South Wales and that 93 per cent of the attendees were likely to recommend NSW Small Business Month to others. This year, as the Minister highlighted, \$2,000 grants are available to local councils and importantly to local chambers of commerce.

While businesses throughout New South Wales are facing the challenge of COVID-19, the impact varies from region to region. In much of regional New South Wales, small businesses have already been hit by drought, bushfires and now by the COVID-19 pandemic. That is why it is vital that, through this grant, local councils and chambers of commerce that represent local businesses are supported to host events that focus on the urgent issues confronting small businesses within their region. I will take up the Minister's invitation to speak to local councils and chambers of commerce to encourage them to apply for their share of the \$640,000 being offered by the New South Wales Government. It will allow them to host events that encourage and support local small businesses as they face the many challenges ahead of them—and ahead of the State—through the COVID-19 recovery and reboot phase. I urge members to get on the small business bandwagon. We need all our businesses to thrive.

### KOSCIUSZKO NATIONAL PARK WILD HORSE MANAGEMENT PLAN

**The Hon. MARK LATHAM (13:25:03):** I take note of the answer given by the Leader of the Government about animal welfare, in particular, the wild horses in the Snowy Mountains. The House heard for the first time that the Minister for Energy and Environment, Matt Kean, could potentially send up to 4,000 healthy, beautiful horses to the knackery. In my eyes, that is wrong. The Minister said that 4,000 horses could potentially go to the knackery if they are not rehomed.

**The Hon. Walt Secord:** I heard that.

**The Hon. MARK LATHAM:** Other members have heard it. It was said before the Chamber and the House needs to take it seriously. The horses in that habitat are as Australian as any other animal or plant life in that region. In fact, the legend of the Snowy Mountains would say that they are even more Australian. It opens up a stunning double standard. We just heard from the Hon. Rod Roberts about double standards from the Government. Apparently the environment Minister can kill many thousands of horses—send them to the abattoir, turn them into dog food. But at the same time the NSW Greyhound Welfare Code of Practice has been released, section 9.4 of which states:

It is an offence for a participant to transfer a greyhound in circumstances where the participant knows, or ought to know, or has reason to believe, that the greyhound may be euthanased.

The time period for that is not specified. It is an open invitation for the Greyhound Welfare Integrity Commission [GWIC]—a Stasi organisation—to persecute greyhound owners and trainers. Look at the double standard. The environment Minister can euthanise up to 4,000 healthy horses, but a battler training a couple of greyhounds in their backyard faces the possibility that they ought to have known the fate of a dog for an unlimited time period. They could have GWIC knocking on their door, wanting to take them to court and potentially put them in jail. That is just plain wrong.

The Government must clear up the double standard. It should either accept section 9.4 in the greyhound code and say that the unreasonable killing of animals is a jailable offence—the environment Minister could call for alternatives to be found to the euthanising of the beautiful wild horses in the Snowy Mountains—or it could sterilise the stallions. That is not great news for the stallions, but it is a lot better than being sent to the abattoir. Is that not the sensible solution that preserves the life of the existing horses and allows the herd to breed down over time? The Government should either do that or recognise that no greyhound owner should face the possibility of going to jail under the very loosely worded section 9.4. It will deter people from going into the greyhound industry, which is already struggling because of the Baird Government's foolhardy ban. Why have a clause that drives people out of the industry? The double standard is shocking. I urge Ministers to clear it up immediately.

### START STRONG CAPITAL WORKS GRANTS PROGRAM

**The Hon. TAYLOR MARTIN (13:28:10):** I take note of the answer given by the Minister for Education and Early Childhood Learning earlier in question time. The New South Wales Government knows how important quality early childhood education is to ensuring that children in New South Wales get the best start in life. I understand that a child's access to community preschool is vital, regardless of their family's financial position. It is crucial that our littlest learners have access to a quality preschool education. The New South Wales Government is committed to ensuring that all children in New South Wales can participate in 600 hours of quality preschool education in the year before school starts. Capital works plays a vital role in it by increasing the number of preschool places for children in the two years before school.

Since 2013 the Government has allocated more than \$90 million for capital works to support the creation of additional community preschool places across New South Wales. In the 2018-19 budget the New South Wales Government announced funding of \$42.1 million over the forward estimates to support the creation of additional preschool places in areas of need and demand. Our increased investment is expected to create new community preschool places across the State to support capacity for population growth. In the 2019-20 budget the Government allocated \$20 million in funding over the forward estimates for new and existing community preschools to build, renovate or extend their facilities to cater to increasing enrolments across the State.

By investing in the expansion and establishment of more preschool places, more parents will have access to a preschool education for their children. The funding commitment demonstrates that the Government is focused on improving educational outcomes and access to quality early childhood education for every child across New South Wales. The funding program enables successful applicants to build new community preschools, renovate or extend existing ones to create additional capacity throughout the system and support mobile preschools—for instance, through purchasing replacement vehicles.

### KOSCIUSZKO NATIONAL PARK WILD HORSE MANAGEMENT PLAN

**The Hon. EMMA HURST (13:30:29):** I take note of the answer to my question about horses in the Kosciuszko National Park given by the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, representing the Minister for Energy and Environment. The Animal Justice Party is concerned about native animals in Kosciuszko National Park. It is equally concerned about the horses that reside in the park, which have the same ability to feel fear and pain and to suffer as any other animal species. Let us be clear: The horses do not have some kind of evil intent; they did not plan an invasion. Over 200 years ago they were brought here against their will by European settlers. They are now running in the park and people want to reduce their numbers. Considering we caused the problem in the first place, we must find the most humane solution.

The Minister said that only 180 horses are being rehomed. As the Hon. Mark Latham said, thousands are going to knackeries, where they suffer a brutal and horrific death. The Animal Justice Party has been doing the work that no other party has been doing. We have met with experts throughout the United States, who have been using immunocontraceptives effectively for over 15 years to reduce the number of horses in national parks. Immunocontraceptives have been used in similar terrain to the terrain in the Kosciuszko National Park. The females are darted, not the stallion. Darting stallions creates a welfare issue because a darted stallion will lose his harem. We can reduce the horses more humanely. Humane solutions must be on the table. Australia is falling behind in humane solutions. We must implement immunocontraceptives immediately.

### CARRIAGEWORKS ARTS PRECINCT

**The Hon. WALT SECORD (13:32:22):** As the shadow arts Minister, I make a brief observation on the Minister's answer about the Carriageworks Arts Precinct and his reference to the Independent Arts and Cultural Organisations fund. Widespread anger exists in the community about the Minister's handling of another arts program. On 31 July numerous arts groups expressed a concern that they heard from third parties about the handling of that fund. Theatre Network NSW is one group that spoke out. Others also said that the handling was unprofessional, incompetent and outrageous. But the most egregious part of the program is that the Minister did not fund Red Line Productions of the Old Fitz Theatre. That is a world-class theatrical organisation. During COVID it organised online global play readings involving international actors such as Alec Baldwin and local Australian Rose Byrne. That world-class theatre organisation deserved to be funded by the Government. Again, the Minister played favourites and put the money into larger organisations. Andrew Henry, who is originally from Lithgow, is running a world-class organisation that should have received funding.

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

**TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. NATALIE WARD (13:33:45):** It is a privilege to contribute to the take-note debate. First, I address the renewable energy zones issue. The Leader of the Opposition in this House, who was so interested in the take-note debate, does not appear to be in the Chamber. I understand he has reasons for his absence. I address a question that he raised in the take-note debate about renewable energy zones. There may be a misunderstanding on his part. Renewable energy zones are all about transmission. I think the honourable member has missed the point. The whole point is that they are located near existing entities so that their location makes them ideally suitable for connection. We are proceeding with upgrades to the Queensland NSW Interconnector [QNI]. The announcement about that was very exciting. Prior to that announcement I did not know what the QNI was. I looked it up and now I am well aware of what that is. It is the most important part of renewable energy zones. We are upgrading them and making those connections.

**The Hon. Don Harwin:** TransGrid is.

**The Hon. NATALIE WARD:** TransGrid is. I am pleased we are doing that. I am happy to elucidate that for him further. We heard from a number of Ministers about plans to recover from the COVID pandemic: \$88 million for mental health counsellors in schools, \$20 million for virtual mental health, \$500 million invested in air conditioning in schools, \$50 million for the recovery of the arts and Carriageworks, and \$285 million for powering Sydney's future. The Government has a plan. I found it and have a copy here. It is a six-point plan to get us out of—

**The Hon. Penny Sharpe:** It is a glossy brochure.

**The Hon. NATALIE WARD:** Yes, at least we have it. Its purpose is to get us out of the pandemic. I have heard nothing from Opposition members—none at all—about what they are doing. They expect us to have a plan and to get the State out of the pandemic. Members opposite ask questions about air conditioning when they are not interested in air conditioning; they are interested in heating. We have heard it. But what is their plan? What are they planning to do? I thought to myself, "That's not fair, Nat. Do your research", so I went to the Labor Party website and looked it up. The first thing that popped up was not "Here we are to help with the COVID plan, here is our plan". No. What was it? "Make a donation. Here is how you donate to us. You can donate \$5, \$10. We can give you a free Aldi bag if you like. Make a donation."

**The Hon. Walt Secord:** That is not true. You're making it up again.

**The Hon. NATALIE WARD:** It is the first thing you see. Open it up on your phone right now. The second thing I saw was all the things that the Labor Party opposes. People can oppose this issue or join a protest or fight on that. There is a menu of things that people can oppose but there is nothing about what the Labor Party is doing. Then I thought I would look up the shadow Treasurer to see if he is there. The website has a "meet Jodi" tab that you can click. It is great. I offer some feedback on the website: It should have a link for "Meet Walt" because everyone is saying, "Where is the shadow Treasurer? Is there a shadow Treasurer? I don't know who. Who is he?" It is almost like the game "Where's Wally?" The website should have a "Where's Walt" link so Walt can let us know what the Opposition's plan is. The Opposition does not have one. [*Time expired.*]

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

**Motion agreed to.**

*Written Answers to Supplementary Questions*

**LAND TAX**

In reply to **the Hon. MICK VEITCH** (4 August 2020).

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

The 2020 Land Tax COVID-19 relief is intended to reduce a landowner's land tax payable for 2020, by up to 25 percent, for an eligible taxable parcel of land where rent relief has been given to the tenant who occupies that land.

This land tax relief is just one part of the New South Wales Government's implementation of the plan agreed by the National Cabinet for assisting landlords and tenants to work together to negotiate the challenges to normal rental arrangements brought on by the COVID-19 pandemic.

2020 Land Tax COVID-19 relief is available to landlords of residential tenants who experience a household income reduction of 25 per cent (or more) as a result of the COVID-19 pandemic; and landlords of business tenants with a turnover of less than \$50 million that experience a 30 per cent (or more) reduction in revenue as a result of the COVID-19 pandemic.

As at 24 July 2020, of the 2,662 applications that were processed:

- Claims for land tax relief in relation to 3,245 properties were approved with relief totalling over \$15 million being granted.
- Claims for land tax relief for 226 properties were not approved as they did not meet the eligibility criteria.

The most common reason for claims not being approved has been because the claim related to vacant land with no tenant receiving rent relief.

### *Bills*

## **DEFAMATION AMENDMENT BILL 2020**

### **First Reading**

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

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

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

**Motion agreed to.**

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

That the second reading of the bill stand as an order of the day for a later hour.

**Motion agreed to.**

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

### *Private Members' Statements*

## **WARNERVALE WOOLWORTHS DISTRIBUTION CENTRE**

**The Hon. ROSE JACKSON (15:03:08):** I voice my serious displeasure at the behaviour of Woolworths and my support for the workers at the Wyong warehouse. Workers in the Wyong warehouse want pay parity with their Sydney counterparts—nothing more, nothing less. They are doing the same job as workers in Sydney warehouses and are paid 16 per cent less. They want permanent jobs for casual workers. Some of the workers at the Wyong warehouse have been working consistent hours casually for six years. All they want are permanent jobs and proper pay.

Despite the fact that last year the CEO granted himself a 231 per cent pay increase and the chief financial officer granted himself a 120 per cent pay increase, Woolworths has refused a fair pay increase for the low-paid warehouse and distribution workers, who have been keeping our supply chains moving smoothly in very difficult circumstances over the past few months. When workers took legal industrial action, which they specifically limited to one day to not cause too much disruption, they were locked out of their place of work by the management. Some 4,500 people signed a petition in support of them. When they took it to the Woolworths head office, the senior management refused to even meet with them. This is on top of Woolworths slashing 1,350 jobs across New South Wales and Victoria, failing to properly communicate the risks of coronavirus outbreaks in Victorian warehouses and the record wage theft scandal of \$390 million underpaid to already low-paid workers.

Woolworths is one of the few companies that has managed to do quite well in recent months, with a record sales growth of 8.6 per cent in June, on top of an 11.3 per cent increase in March. Woolworths is not the type of company that should be taking out the pain that we are all experiencing right now on low-paid workers in their warehouses. This is not intended as a limited complaint about a particular dispute, though; this is an opportunity to reimagine our industrial relationships and Christian Porter and Sally McManus have been leading the way. When companies and workers—when bosses and the people in their factories and on their floors—can get together and work things out, we are all better off. That is the style of leadership being called for in our communities right now and it is a real indictment on Woolworths that it is taking aggressive and escalating action at very reasonable demands from low-paid workers in their warehouses. I call on Woolworths to get its act together.

## **TRIBUTE TO MARIO PREVITERA**

**The Hon. ROBERT BORSAK (15:06:28):** It is with great sadness that I dedicate my private member's statement to the late Mario Previtera. Mario passed away in the early hours of Saturday 1 August in his home town of Orange. Mario was a very measured and modest man. Those traits earned him great respect in his community of Orange and that is why the community voted Mario to represent them on council. Mario, along with Councillor Sam Romano, were the first councillors ever to be elected under the Shooters, Fishers and Farmers [SFF] Party banner. That success followed on from my colleague in the other place Phil Donato being

elected as the member for Orange. If there was ever an election or by-election, Mario was the first to volunteer his time at the polling booths, spending many long hours handing out how-to-vote cards. He contributed greatly to the success of the Shooters, Fishers and Farmers Party.

A true SFF member, Mario upheld our values of freedom and fought for them wherever he could. One of his great achievements was successfully overturning a council decision to lock out fishers from Ploughmans Wetlands. Mario was a true gentleman, he never spoke ill of anyone and was always available to listen, which garnered great respect amongst his fellow councillors. He was a man of few words but, when he spoke, his words were well considered and those around him listened. He served his community diligently with a quiet and conscientious demeanour. His passion whilst on council was pursuing environmental issues in the Orange shire and, as chair of the Environmental Sustainability Policy Committee, he was able to fulfil much of that passion. Fellow SFF councillor Sam Romano paid tribute to Mario with the following words:

Council can be pretty rough and tumble but I have never heard Mario say an ill-word about anyone. He was a peacemaker.

That is how he will be remembered by those who loved him. On behalf of the Shooters, Fishers and Farmers Party, I send my heartfelt condolences to Mario's family, friends and colleagues, who will truly miss him. Our party will surely feel his loss. Vale, Councillor Mario Previterra.

### ORANGE SPORTS PRECINCT

**The Hon. SAM FARRAWAY (15:08:39):** In my short time in this place I have seen the Government deliver programs, infrastructure and funding across rural and regional New South Wales. In a road trip last month across the State's Central West, I had the pleasure of announcing, on behalf of the Deputy Premier and the New South Wales Government, investment across our regions and partaking in my first official sod turn. In recent months I have made public requests that the \$25 million for the Orange Sports Precinct be fast-tracked, using the New South Wales Government's COVID stimulus fund. I called for funding to be fast-tracked using the New South Wales Government's COVID stimulus fund because the project was always going to happen. There was no doubt about it; it was only a matter of time.

After many meetings with Orange City Council and the Deputy Premier, it happened. The funding was fast-tracked and, together with members of the local council, including the Mayor, Councillor Reg Kidd; chair of the Sport and Recreation Policy Committee, Councillor Jason Hamling; as well as local cricket superstar Phoebe Litchfield, I turned the first sod on behalf of Deputy Premier John Barilaro. Although the soil was harder than anticipated, and the digger did not turn on at the first attempt, it was a significant occasion for the Orange sporting community to see excavators on site digging holes at Sir Jack Brabham Park.

After a quick chat with Phoebe, who at the age of 17 plays in the Women's Big Bash League and represents the New South Wales Blues, it became even more apparent how important the facility will be for the future of sport and for sporting champions not just in Orange but also throughout the entire Central West. The precinct will enable the region to attract sporting carnivals, events and maybe even A-league games, rugby league games or rugby union games. It will have positive flow-on effects for the local businesses and it will create opportunities for many young sporting fans. The council will move forward with the development of the project in three stages. The Government expects to see the ribbon cut at the official opening in 2023. The \$25 million in funding for the Orange Sports Precinct is yet another election commitment made by the National Party and delivered by the National Party in government.

### COVID-19 AND MENTAL HEALTH

**The Hon. TARA MORIARTY (15:10:52):** The COVID-19 pandemic and its flow-on effects are devastating for many people in our community. We are all doing our best to stop the spread, to keep everyone safe, including our most vulnerable, and, where possible, to keep the economy running and protect people's jobs. This period has been particularly difficult for people who were already doing it tough, whether with ongoing health issues—especially mental health issues—financial stress, job insecurity or family issues. The pandemic has caused stress and concern for many. Our absolute priority as a community is to keep our people safe and healthy. However, where possible, and while health and safety come first, we must do everything we can to keep the economy open and to keep as many people in jobs as we can.

The higher unemployment rate due to the pandemic is problematic for our most vulnerable across the community in the long term. The community expects the Government to demonstrate how it intends to get the economy moving so that people can stay in work and so that they know what the next steps will be. In the meantime, we must ensure that people have the support they need to get through this critical period. Financial and community support, especially for mental health, must be made available. Many organisations are doing their best to keep up with the higher demand for services, but they need the Government to step up to ensure that services are there when people need them. Last week the Black Dog Institute released the results of a survey that it

conducted from late March to early April. Three-quarters of respondents said that their mental health had worsened due to the pandemic and related issues.

The survey showed that people were very anxious about getting sick and about their loved ones getting sick. Some 80 per cent of respondents said that they felt uncertain about the future. More than half said that they felt lonely due to social distancing, and more than half were very worried about their financial situation. We must do everything we can to suppress the virus, keep our community safe and ensure that people have the support they need until we find a way out. I thank the community for doing the right thing and for working together—and apart—to keep us all safe. To anyone who needs it, you are not alone. To people who need help, please reach out.

### SUSTAINABLE POPULATION

**Ms ABIGAIL BOYD (15:13:35):** The issue of sustainable population comes in and out of public focus, raising its ugly head particularly at times of economic uncertainty. At times it is co-opted by otherwise seemingly progressive folk. I have been told more than once that as someone who cares about the environment I should advocate for sustainable population targets, whether in New South Wales, Australia or at a global level. But the total number of people on the planet is only one factor to consider when addressing environmental problems like climate change. It is relatively unimportant in comparison with factors such as the production and waste patterns of large corporations and the consumption and waste patterns of the wealthy. For hundreds of years, concerns about population have correlated with a contempt for people from lower classes, non-whites, people with low incomes and people with disabilities. In *Climate and Capitalism*, Ian Angus wrote:

Overpopulation arguments have been used for decades to oppress the poor and people of colour around the world and to justify anti-immigrant campaigns.

Betsy Hartmann called it "the greening of hate". The question is not, and has never been, how many people should there be, but who gets what. Imagine a lifeboat with a carrying capacity of 10 people, so long as everyone brings only the essentials. One person, who wants to bring their entire luggage set, then protests that the lifeboat is overpopulated. A small minority of people and corporations are responsible for the majority of the world's waste and pollution. Research from Oxfam found that the richest 10 per cent of the world's population is responsible for almost half of all global carbon dioxide emissions. The uneven distribution is evident in many areas, including air travel, and it is also evident within wealthy countries. Figures from England in 2018 show that the top 10 per cent of frequent flyers were responsible for more than half of all flights, while almost half of England did not fly at all.

Further, men tend to produce more carbon emissions than women, and white people produce more emissions than everyone else. Vast inequity is also evident in overall consumption figures from the World Bank. The world's poorest 20 per cent account for just 1.5 per cent of global consumption, while the world's richest 20 per cent consume 76.6 per cent. Clearly, we cannot know what the earth's carrying capacity is until we address the waste and pollution produced by the wealthy minority. It is not helpful to point the finger at individuals, nor can we blame wealthy countries like Australia, because that disguises the inequality that exists within wealthy countries. It is not only socially unjust but also pointless to focus our attention on the population growth of the poorest people when our economic system, which allows the ever widening gap between those who have and those who have not, has a much bigger role to play in the destruction of our environment.

### TRIBUTE TO MALCOLM BROOKS, OAM

**The Hon. TAYLOR MARTIN (15:16:33):** I pay tribute to my friend, and a friend to many members of the Parliament, Malcolm Brooks, OAM, who passed away in Gosford in June at the age of 90. Malcolm was born in 1930 in Gosford and lived quite an incredible life. He was a motor dealer, a rally car driver, the member for Gosford in the other place in the 1970s, a councillor and mayor at Gosford City Council, a private pilot—as was his wife—and it must also be said that he was one of Gosford's great advocates. Malcolm gave his maiden speech in the other place at 2.38 a.m. on 3 April 1974 during debate, appropriately, on the Motor Dealers Bill. *Hansard* notes that, due to the late sitting, his wife Patricia was not with him—she had gone home to bed. I pay my condolences to Patricia, to whom Malcolm was married for 65 years, and also to his children and grandchildren.

I could point out many things that form part of Malcolm's legacy, particularly in Gosford. I point to Kibble Park, which was previously a car park and is now a vibrant green space in the heart of Gosford. I point to the Coastal Open Space System and the protection of the ridge lines along the Central Coast as part of Malcolm's legacy. I also point to the Regional Gallery at East Gosford and the sister-city relationship that was established with Edogawa in Japan. There are other things that Malcolm had a stake in but was not credited for. Councillor Chris Holstein, a former member for Gosford in the other place, served for a long time on Gosford council with Malcolm. In his eulogy, Chris said that Malcolm always supported engaging in the battle of ideas. I can attest to that.

He said that Malcolm was not a supporter of the stadium that was being built at Gosford and that it should be built away from the CBD. As the plans and designs progressed, a four-sided stadium was proposed, which is quite usual for a modern stadium. Malcolm's view was quite simple. He said, "Don't you dare remove those palm trees and don't you dare remove that view down to Brisbane Water." At Malcolm's insistence and due to his persistence, we have the unique three-sided stadium at Gosford today. In every televised game at the stadium on the Central Coast, commentators still mention how amazing the view is.

Malcolm was also a stalwart of the New South Wales Liberal Party. He was president of the Gosford branch for 33 years. He was also a member of the State Executive for a total of 25 years, ranging from 1969 to 2008 during different terms. During his time as president of the Gosford branch, he published a newsletter that many here and in the other place will have received over the years called *The Way Ahead*. I thank Malcolm and his family for his contribution over 90 years to the fabric of the Central Coast, to Gosford and to the Liberal Party.

### SYDNEY MUSIC HISTORY

**The Hon. JOHN GRAHAM (15:19:39):** Sydney should celebrate its music history. Melbourne's AC/DC Lane is a wildly popular selfie destination for rock fans. I think of it as a great Melbourne laneway celebrating a Sydney band. Michael Dwyer has traced the path of AC/DC's Young brothers: arriving in Villawood, growing up in Burwood, going to school in Ashfield, rehearsing in Newtown and playing at Chequers Nightclub, which was their first gig, the Hampton Court Hotel, Kings Cross—their first known recording—the Rockdale Masonic Hall, the Hordern Pavilion and the Cronulla Theatre. I do not want to pick on Melbournians—our thoughts are with them right now, and especially with the hard-hit beautiful Melbourne music scene—but they should stop stealing our music history.

Good on them though, because in Sydney we have not done enough to celebrate it. Jeff Apter wrote a great article entitled *Oz rock's sacred sites fade to black*, detailing once-great music venues in Sydney that are now often car parks. It was a roll call from Alberts music studio—also known as "The House of Hits"—to The Basement, which is now no longer a jazz venue but is fighting on, with Jake, Kenny and the irrepressible Mary's team fighting to keep music alive. Jeff mentions Sydney's suburban pubs and clubs, including Bexley North, the Sylvania Hotel, the Revesby Workers Club and the Sundowner Hotel. They are all key music venues that have fallen silent.

Then electronic music was creating Sydney's sound. In 2016 Keep Sydney Open erected plaques around the city as the lockout laws took their toll. They commemorated artists who got their start at the now-closed venues. They included Flume, Flight Facilities, RÜFÜS, Alison Wonderland, Peking Duk, Art vs. Science, The Presets, Nina Las Vegas, The Preatures, You Am I and Sneaky Sound System. Those lost venues should be permanently remembered. Last year the Museum of Brisbane played homage to that city's music scene through the High Rotation exhibition curated by Leanne DeSouza. It was fantastic. We should do the same here for Sydney's live music.

Finally, if we are in the statue-building business we should build some right now to the artists who are fighting for the grassroots music scene in New South Wales. I am thinking of artists such as Dave Faulkner from the Hoodoo Gurus, Jack River, Urthboy, Set Mo, Mahalia Barnes, KLP, Josh Pyke, Jonathon Zwartz, Izzi Manfredi and The Preatures, Fanny Lumsden and many, many other artists. My view is: Build those artists a statue. Sydney and New South Wales should celebrate their music history. The industry needs to do more; there is too much focus on being legends, not building legends. The State Government should do more to save our music history.

### LAND CLEARING

**Ms CATE FAEHRMANN (15:22:43):** Land clearing in New South Wales has increased at an alarming rate since the Native Vegetation Act was repealed by this anti-environment government and replaced by the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016. Those changes replaced a relatively effective regime that maintained or improved environmental outcomes with self-assessable codes, exemptions and discretionary clearing of native vegetation. What were the results? Land clearing in this State has risen by almost 60 per cent at the hands of the Liberal-Nationals Government. Shamefully, just 9 per cent of our native vegetation remains completely untouched.

At the same time, there has been an increase in unexplained land clearing, which can take years to identify and is therefore difficult to prosecute. This phenomenon has increased by over 500 per cent in north-west New South Wales, where rampant land clearing is at its worst. The Auditor-General has declared New South Wales land clearing laws "weak" and "not effectively regulated". Such weaknesses have led to an epidemic of clearing, the environmental impacts of which are disastrous. Just a few months ago the Natural Resources Commission declared New South Wales' land-clearing laws a "statewide risk to biodiversity".

Native vegetation is essential for soil health, water quality and biodiversity. Widespread clearing of native vegetation, particularly trees for large-scale cropping by big corporate agribusiness, is fuelling the climate crisis by increasing emissions and reducing precipitation and therefore rainfall. The former Department of Primary Industries' own research shows that removing trees affects the amount of heat and moisture released into the atmosphere, changing the air pressure and circulation patterns, and sending storm systems off their typical paths. When trees are removed, heat is reflected rather than absorbed, which means that less moisture evaporates into the atmosphere and, in the long run, less rain falls.

One hundred and fifty years of land clearing has added significantly to the warming and drying of eastern Australia. Rates of clearing around Moree and Collarenebri in northern New South Wales have increased three times since the weakening of the laws and thousands of hectares of koala habitat have been destroyed. Yet 90 per cent of koala habitat on private land is currently not protected under the Berejiklian-Barilaro Government's weak anti-environment laws. Eastern Australia is listed as one of 11 global deforestation hotspots, joined by the likes of the Amazon and the Congo. How can any government sit on its hands at this time in history with everything we know and not protect what is left for future generations?

### NATIVE FOREST LOGGING

**Mr JUSTIN FIELD (15:26:00):** I acknowledge the recent work of the community activists across New South Wales who have been taking action to protect the magnificent, but suffering, native forests in this State. It is important to once again remind members what is at stake here. Sixty per cent of North Coast State forests were burnt in last season's fires and 85 per cent of South Coast forests. New reports put the loss of animal life at more than three billion. Communities have been devastated by the almost immediate return of logging in these badly burnt forests and in other areas of unburnt forest that offer some of the last remaining refuges for species. The Government has not acted, so the community is. It is pleasing to see that its advocacy is now being joined by a stronger regulatory response from the NSW Environment Protection Authority [EPA].

In the Wild Cattle Creek State Forest on the North Coast the EPA issued the Forestry Corporation a stop work order on 18 July 2020. In this instance, trees defined in the rules as "giant trees"—that is, trees over 140 centimetres in diameter that are supposed to be retained—were removed. The EPA described the trees as "providing significant habitat and biodiversity value and are irreplaceable." These breaches came to light only because of community reports. On 23 July another stop work order was issued on the South Coast. This time it was in the South Brooman State Forest after the community documented multiple instances of habitat trees being removed. These trees were supposed to be protected in the burnt forest rules that have been agreed with the Forestry Corporation and they are critical habitat for several threatened species in the region. The stop work order was issued, in the EPA's words, "for the seriousness of the alleged breaches."

I inform the House that similar breaches have been identified and documented by the community in the current logging operations in the Mogo State Forest and additional breach reports have now been lodged with the EPA. In the Bodalla State Forest, with the support of the Gumbaynggirr people, direct action is currently preventing logging across those forests on the North Coast. I acknowledge the work of the EPA in upholding the rules. But I especially note that it is the community standing up for the forests and being their advocate that has aided the EPA in taking those actions. I acknowledge the work of the North East Forest Alliance, the Gumbaynggirr Conservation Group, Coastwatchers, Friends of the Forest and the Brooman State Forest Conservation Group. There are others as well. Those groups are made up of individuals who choose to spend so much of their time speaking for the forests.

The South Coast community is out there right now in the forest documenting, logging and GPS marking habitat trees that have been felled. I understand this evidence has been critical to the EPA's actions. It plans to go into the forests yet to be logged and pre-emptively mark habitat trees to aid future compliance. This is a great role for the community to take on, but I wish it did not have to be that way. The Forestry Corporation should uphold the rules and follow the rules that are set to protect the environment. More so, the Government should take steps to transition out of the damaging native forest industry to protect the future of those forests and the communities that love them so much.

### DISABILITY ADVOCACY SERVICES

**The Hon. PENNY SHARPE (15:29:08):** I raise the increasingly urgent issue of funding for disability advocacy in New South Wales. Time is ticking for disability advocacy in New South Wales and we are yet to get any clear position from the Government as to what is going to happen. The reality is that disability organisations in this State are living on borrowed time as a result of an extension of funding to the end of December this year, but with absolutely no plan in place. The New South Wales Government is yet to respond to the Ageing and Disability Commission's review. It is important to note that the review stated:

By 2030, it is expected that 1.8 million people in NSW will have a disability. Of this, there will be approximately 590,000 people residing and seeking services within the State who have a profound or severe limitation affecting their day to day activities.

The disability landscape and role of advocacy will also evolve over this time, especially with the continued rollout and increasing maturity of the NDIS. The need for advocacy will continue to be an important part of the lives of people with disability to ensure the continued promotion, protection and security of their rights, and enable their genuine participation in the community. ...

NSW has a long and strong history of community based disability advocacy and the NSW Government has been an important funder of advocacy, information and referral services.

That is the important point. The Ageing and Disability Commissioner has recommended funding of \$13 million for 2021, then a further \$14 million, and then funding of up to \$15 million a year into the future to ensure that people with disability can access the advocacy that they need. Never has it been more important to have disability organisations. The New South Wales Government has done a wholesale handover of its responsibility for disability services under the NDIS to the Commonwealth. We should not be absolved of the responsibility to look after all people with disability in this State and we should be finding ways for inclusion. Part of the essential way towards advocating systemic change and ensuring that every State government service is delivering in an inclusive way for people with disability is the importance and use of disability advocacy organisations.

Disability advocacy organisations have been run off their feet during COVID as governments have been slow to move in recognising the vulnerability of people with disability in the pandemic and the need for specific planning. Quite frankly, people with disability were ignored for the first two months of the pandemic. We know it is unprecedented and that governments have been doing it hard. But the fact that people with disability were not included in the beginning discussion is yet again another reason that disability advocacy organisations are so important. It is time for the disability services Minister, who is very proud to hold that position, to put the money forward to make sure that disability advocacy continues.

#### **KOSCIUSZKO NATIONAL PARK WILD HORSE MANAGEMENT PLAN**

**The Hon. EMMA HURST (15:32:25):** Kosciuszko National Park is an important natural environment that is home to unique native animals that must be protected. However, the Animal Justice Party is equally concerned about the welfare and wellbeing of the wild horses that presently occupy Kosciuszko. Let us be clear: No species of animal is planning an invasion and no species of animal has an evil intent. The wild horses that reside in Kosciuszko did not ask to be brought here. I urge members of this House to think compassionately and consider the interests of all species of animals involved in this situation. A wild horse has the same capacity to feel pain and fear as a native animal and their lives deserve the same level of dignity and respect. Immunocontraceptives have successfully been used in the United States to reduce horse numbers for over 15 years. It is time for Australia to catch up.

#### *Committees*

#### **JOINT SELECT COMMITTEE ON THE ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND EQUALITY) BILL 2020**

#### **Message**

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

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that this day it has agreed to the Legislative Council amendment to the resolution of the appointment of the Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, as contained in its message dated 5 August 2020.

Legislative Assembly  
5 August 2020

JONATHAN O'DEA  
Speaker

#### *Documents*

#### **EXECUTION OF SEARCH WARRANTS**

#### **Tabling of Documents**

**The PRESIDENT (15:33:57):** As foreshadowed in my statement yesterday regarding the recent execution of search warrants, I table for the information of honourable members the application to the High Court of Australia, filed on 3 August 2020, in the matter of *Zhang v. Commissioner of Police & Ors.*

**Document tabled.**

*Rulings***COMMUNITY FUNDS AND GRANTS**

**The PRESIDENT (15:34:41):** The Hon. Adam Searle has moved a motion seeking the production of certain documents relating to community funds and grants which requires that the documents be returned in electronic format. The Minister has taken a point of order that the order is outside the remit of Standing Order 52. I note that on several occasions since 2009 the House has received returns containing electronic data, voluntarily provided by the Government. Those returns contained data provided on CD or USB. While the power of the Legislative Council to order the production of electronic documents has been contested from time to time, the matter has not been settled. Indeed, when the Council's power in this respect was raised directly with the Solicitor General by the Government in 2014, the Solicitor General provided legal advice stating that while the tenor of Standing Order 52 suggests the production of documents in printed form:

... it may be convenient for the Council to request that the documents be provided in a different form and also convenient for the Executive to supply the documents in, for example, electronic form. We do not consider that the terms of the order would preclude the Council from adopting or sanctioning that course.

The Solicitor General went on to distinguish between orders for the production of documents already stored in electronic form and those ordered to be produced in a different form to that in which they are maintained by the department. It is not clear if such considerations apply to the order currently before the House. In the meantime, I note that the Procedure Committee has in recent weeks begun discussing various matters in relation to orders for papers. These include proposals for a new system for electronic returns to orders. As the Minister has observed, all members have indicated support for this system, as has the Government.

It is my hope that questions regarding the return of documents in electronic form, and concerns regarding the storage and security of such data returned, will be resolved by the committee in the coming weeks and months. However, while the House can point to a number of examples in which data has been provided in electronic form, and the Legislative Council has made no concession as to its powers to order data in that form, to move the matter forward it would be open to the member to further amend his motion to require that the information be provided electronically "if possible". This will offer the department some latitude to provide, for example, documents not covered by a claim of privilege electronically, should it be able to do so.

*Documents***COMMUNITY FUNDS AND GRANTS****Production of Documents: Order****Debate resumed from an earlier hour.**

**The Hon. ADAM SEARLE (15:39:18):** I seek leave to amend private members' business item No. 596 outside the order of precedence as follows:

- (1) Insert "if possible" after "in electronic format".
- (2) Insert "excluding any documents previously returned under an order of the House" after "the following documents".
- (3) Insert "the Minister for Education and Early Childhood Learning or the Department of Education" after "the Department of Planning, Industry and Environment".
- (4) In paragraph (a) omit "(i) the Stronger Communities Fund" and "(ii) the Stronger Country Communities Fund".

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution, in electronic format if possible, the following documents, excluding any documents previously returned under an order of the House, created since 1 January 2017 in the possession, custody or control of the Office of the Premier, the Office of the Deputy Premier, the Office of the Treasurer, the Office of the Minister for Local Government, the Office of the Minister for Sport, Multiculturalism, Seniors and Veterans, the Office of the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, the Department of Premier and Cabinet, The Treasury, Regional NSW, the Office of Sport, the Office of Local Government, the Department of Planning, Industry and Environment, the Minister for Education and Early Childhood Learning or the Department of Education, relating to community funds and grants:

- (a) all documents concerning the applications, assessments, correspondence, recommendations, approvals and funding allocations relating to:
  - (i) the Regional Cultural Fund;
  - (ii) the Greater Sydney Sports Facility Fund;
  - (iii) the Regional Sports Infrastructure Fund;

- (iv) Start Strong Capital Grants;
  - (v) the Growing Local Economies Fund; and
  - (vi) GO NSW Equity Fund.
- (b) the Treasury review of Jobs for NSW, which included reviewing grants and funds;
  - (c) 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
  - (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Given the amount of time this has taken—and I cast no aspersions in relation to that—I will speak briefly. The documents sought under Standing Order 52 go to the terms of an inquiry currently being undertaken by the Public Accountability Committee. It is the intention of the motion to seek documents in relation to a number of funds maintained and operated by the Government and, by seeking those documents, to better inform the committee and the wider community about the administration of those funds. The administration of the funds involves the allocation by this Government of public moneys and it is less than clear in official documentation what the guidelines and rules around these funds are and it is necessary, to properly inform the deliberations of the Public Accountability Committee of this House, that these documents be provided to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:41:32):** I concur with the observations made by the Leader of the Opposition that this matter has taken up a deal of time already. While we disagree with the motion on the basis that it is an unsatisfactory use of resources, we will not oppose it. What we continue to stress in relation to these grants is that the Government stands by the merits of the programs that it has been involved in and which have delivered worthwhile projects and significant benefits to local communities across the State. We understand the impetus behind the Leader of the Opposition seeking the documents and we will not oppose the order.

**Mr DAVID SHOEBRIDGE (15:42:36):** As the chair of the committee that is going to have to deal with the workload created by this Standing Order 52, it is with some misgivings that, on behalf of The Greens, I support the motion. In response to the Government's proposition that it stands by its grants, I can indicate that the reason we support this motion is because scrutiny of just one of the original lists of these programs—in this case, the Stronger Communities Fund—for which we used the call for papers powers of this House to obtain the records and then analysed the fund, showed that not only was that fund far larger than anyone suspected, being a half-a-billion-dollar fund, but it also showed that the moneys under that half-a-billion-dollar fund were allocated to 80 per cent of councils wholly within Coalition-held electorates and just 2.5 per cent or less to councils that are wholly within non-government owned electorates. I believe this kind of scrutiny by the House in obtaining these documents and doing the reviews of this funding is one of the essential and important pieces of work that this House does. The Greens support the Standing Order 52 motion despite my personal concerns because I see a lot of work here.

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

**Motion agreed to.**

### *Bills*

## **ROADS AMENDMENT (TOLL-FREE PERIOD) BILL 2020**

### **Second Reading Speech**

**Debate resumed from an earlier hour.**

**The Hon. JOHN GRAHAM (15:44:56):** The Roads Amendment (Toll-Free Period) Bill 2020 calls for a compulsory toll-free period for the opening of any new toll road in New South Wales. I have mentioned to the House that I prefer to think of it as a toll-mania-free period—a brief respite from the assault on the average driver's wallet. Labor has consistently called for toll-free periods to ensure both fairness and safety as road users adapt to the toll and make commute adjustments. The New South Wales Government's decision to refuse to introduce toll-free periods has made driving less safe. Without a toll-free period there is always a risk that drivers will make last-minute changes to avoid the toll. We have seen evidence of drivers queuing up to exit motorways to avoid new tolls. The danger to drivers was shown clearly when there was a spate of high-profile accidents in the first few months of the M4 opening in 2019. Incidents included motorists stopping in lanes, crossing barriers and reversing near the entrance to the tollway, despite large signs advertising that drivers were nearing the toll road.

Following the incidents, Transport for NSW itself acknowledged motorists risk endangering themselves or others if they stop in a lane, reverse or cross barriers to avoid the tolls. It is a shame that I cannot table video

evidence of drivers avoiding tolls, perhaps on CD-ROM, as some of the traffic cam footage is truly shocking. Incident response vehicles were dispatched to more than 300 separate events in and around the M4 tunnels within the first month and a half of their opening. Drivers were caught dangerously reversing into traffic, crisscrossing lanes at the last moment and illegally performing U-turns. Channel Nine aired footage of a driver pulling up shy of the tunnel entrance at Parramatta Road and then reversing for 30 seconds. In another incident a car spent two minutes reversing into traffic and crisscrossing two lanes, forcing trucks and cars to swerve out of the way to avoid a collision.

The new M8 tunnels were opened without a toll-free period. When I drove out there to drive through the tunnels as they opened I saw with my own eyes erratic driving behaviour from people who were desperately trying to avoid being slugged by the new toll. Those suburbs along the M5-M8 corridor are some of the hardest hit financially in the current virus crisis. It is understandable that drivers want to avoid this new cost, but it should not be a safety risk for other drivers on the road. It is the principle of putting safety first that has driven this bill. The toll-free periods are critical for safety and fairness as they provide commuters with time to adjust their routes before they are hit with a toll. I recognise that the NRMA has consistently advocated for toll-free periods at the opening of new tollways, and it is really because of that principle. Peter Khoury from the NRMA has particularly drawn attention to the 2005 Richmond review. That review called for mandatory toll-free periods on any new toll road that opened. The recommendation stated:

Future toll road contracts should include a mandatory requirement for the toll road operator to provide an initial toll-free period to assist user familiarity and allow users to make informed choices.

This bill amends the Roads Act 1993 to provide for the declaration of toll-free periods for new tollways and the framework for any compensation for tollway operators for any consequent loss of revenue. I turn to the substance of the bill. Schedule 1 to the bill inserts a new division 2A toll-free period in the Roads Act 1993. Section 216A sets out the provisions for the Minister to declare a toll-free period. Clause (1) requires the Minister to declare a toll-free period for every new tollway that is opened after the bill comes into effect. The declared toll-free period is to commence on the opening of the tollway.

Importantly, the bill does not specify the length of the toll-free period. We are not seeking to tie the Minister's hands here; the length of the toll-free period should be an operational decision. The approach the Opposition has taken to this bill is twofold. First, we think that a toll-free period is an important principle and we are prepared to insist that it should be in place by law. Secondly, we believe that it is the Government's role to manage the operational decisions for these toll roads, so we will not be seeking to tie the hands of the Government on the length of the toll-free period. We are not seeking to override the contracts the State might have entered into with toll contractors, but rather to work within that existing framework. Clause (2) of the section requires the toll operator to not collect the toll from the driver during the period. Clause (3) ensures the driver of the vehicle who does not pay the toll does not commit an offence.

Clause (4) relates to the toll contract between the State and the toll operator and specifies that a toll-free period will not constitute a breach, repudiation or frustration of the contract. Clause (5) states that no person may bring an action to recover damages from the declaration of a toll-free period. New section 216B deals with compensation. If a toll operator claims loss as a result of the declaration of a toll-free period, the State is required to negotiate in good faith with the toll operator to agree to a compensation and, in doing so, take into account any existing contractual arrangements concerning the determination of compensation that would normally be payable. The Opposition regards those as consistent with the usual arrangements where toll-free periods have been put in place by Governments. If the State and the toll operator are unable to reach agreement, the toll operator is to be compensated by the contract for the operation of the tollway or the collection of tolls and charges on the tollway being extended by a period of time declared by the Minister at the end of the contract.

We see the provision as a measure that protects the public interest. It does not seek to overly constrain any negotiation but provides a framework for implementing toll-free periods if there is not a contract or if there is some logjam. One of the ways in which other jurisdictions have sought to negotiate such matters is by the use of shadow tolls. They are often per-vehicle amounts paid to a tollway operator and might be based on the type of vehicle and the distance travelled. They may be calculated over a period or over the length of the concession. The adoption of such an approach would be a policy matter for the Government. There is nothing in the bill that would rule out such an approach should the Government choose to adopt it, but equally it is not required by the bill. Toll roads that are yet to open and could be impacted by the bill are NorthConnex, WestConnex Stage 3—the M4-M5 link—the M6 Stage 1 and the Western Harbour Tunnel and Beaches Link. NorthConnex is due to open shortly.

I call on the Government to support the bill and have it in place ahead of that opening, so that its provisions might apply to that toll road when it opens. That outcome would be in the public interest. The Opposition believes without a toll-free period, we risk traffic chaos every time one of these new toll roads opens. Community support for toll-free periods on new roads continues to build across Sydney and across party lines. Recently Liberal

councillors joined with Labor colleagues on Liverpool City Council to agree that Sydney has the greatest amount of tolled road in the world. They passed a resolution calling for a toll-free period on the new M8 and for the toll on the M5 East to be scrapped. I thank those councillors for putting that view. In another case, a former member of the Government, the former member for Strathfield, Charles Casuscelli—

**The Hon. Don Harwin:** Casuscelli.

**The Hon. JOHN GRAHAM:** I thank Hansard for its assistance at this point. He is now the head of the Western Sydney Regional Organisation of Councils and has spelt out the scale of these payments. His public view is that over the life of the agreements for WestConnex, western Sydney motorists would pay \$276 billion in tolls. That is a quarter of \$1 trillion in tolls for that single motorway. I cannot say if that is correct because no-one in the Government will confirm or deny it. I invite the Government to correct that extraordinary figure in responding to the bill. The bill acknowledges a deep community feeling that toll mania is out of control. The bill will not fix that and we should be clear about that. But it would be a statement by this Parliament, acknowledging that the community feeling is right and that the Premier's toll mania take is right. The Premier knew that. That is why when the new M8 tunnel opened on 4 July, incredibly she did not turn up. Toll mania had taken its toll. Here was a \$4.3 billion piece of public infrastructure and the Premier was not there to cut the ribbon—no Premier, no Minister. It was left to a second-ranking bureaucrat—though I hasten to say a very good one, Howard Collins—

**The Hon. Don Harwin:** She was there a couple of times before that. What a lot of nonsense.

**The Hon. JOHN GRAHAM:** —to open the project. I can tell the Leader of the Government that I was so concerned at this point that I publicly issued a missing persons alert on the day for the Premier and the Minister.

**The Hon. Don Harwin:** Cheap stunt. Not worthy of you.

**The Hon. JOHN GRAHAM:** Can you imagine Bob Carr or Neville Wran not turning up to open a \$4.3 billion piece of public infrastructure? Can you imagine Nick Greiner or John Fahey not turning up to open such a project?

**The Hon. Don Harwin:** What a lot of nonsense.

**The Hon. JOHN GRAHAM:** The last time the Premier failed to cut the ribbon on a project this big was 1932 on the Sydney Harbour Bridge when Francis de Groot did the honours. But at least Jack Lang turned up. This week the Government removed the last of the historic toll booths from the Sydney Harbour Bridge. The booths are gone but the cost of tolls is being felt more than ever by the average driver. Gone are the days when it cost a car or a motorcycle sixpence or a horse and rider threepence to cross the Sydney Harbour Bridge. Sydney is now overrun with expensive tolls. The average driver—the average worker—says toll mania is too much. This bill sends a clear signal to the Government about its toll mania agenda. It would make it law to have a toll-free period on all new major toll roads opened in New South Wales. I commend the bill to the House.

**Debate adjourned.**

## **ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (PROHIBITION OF WASTE TO ENERGY INCINERATORS) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**Ms CATE FAEHRMANN (15:58:07):** I move:

That this bill be now read a second time.

On behalf of The Greens, I am pleased to introduce the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020. The bill will ban the development of new waste-to-energy incineration facilities in New South Wales, along with their toxic fumes, poisonous ash, greenhouse gas emissions and stifling impact on a clean, zero-waste future for our State. Since the 1990s New South Wales residents have been fighting against waste to energy incinerators. But this zombie, dangerous and unnecessary industry continues to rise from its grave. A number of members in the House and the other place share the community's concerns about the incinerators. In 2014 Next Generation Pty Ltd submitted a development application to build a new energy from waste facility in Eastern Creek.

The \$700 million proposal sought to burn more than 552,000 tonnes of waste per year with potential to expand to 1.3 million tonnes, making it one of the largest facilities in the world. Throughout its application process the controversial project has met with widespread opposition from the community, as well as from the NSW Department of Planning, Industry and Environment [DPIE], NSW Environment Protection Authority

[EPA], NSW Health and Blacktown City Council. In 2017 Portfolio Committee No. 6—Planning and Environment inquired into energy from waste technology and ultimately recommended rejecting The Next Generation's proposed Eastern Creek incinerator.

In 2015 the EPA published the NSW Energy from Waste Policy Statement. The policy sets out the requirements for facilities seeking to recover energy by thermally treating waste or materials derived from waste. Key features of the policy include that the energy-from-waste process must not result in any increase to the risk of harm to human health or the environment, and that energy-from-waste processing should only be used where it is considered the most efficient use of the resource. The incinerators that are proposed for New South Wales do neither of those things. In the last Parliament my former colleague Mr Jeremy Buckingham introduced the Environmental Planning and Assessment (Waste Incinerator Facilities—Residential Exclusion Zones) Bill 2017. That bill would have prohibited the building of waste-to-energy incinerators, including The Next Generation's project, within 15 kilometres of residential zones.

The bill before us goes further, however, because I believe the types of waste-to-energy incinerators being proposed for New South Wales pose too much of a risk to people's health, while providing a perverse incentive to governments and industry to increase waste because of the profit motive in producing more waste. It is not ethical or fair for regional areas, including underprivileged and forgotten communities, to be targeted by incineration proponents. I am convinced by arguments that waste-to-energy incinerators work against the goal of an economy that produces very little waste. Instead, waste becomes an essential fuel source that the industry is dependent upon.

In February 2018 two petitions opposing the development—each with over 10,000 signatures—were tabled in the New South Wales Parliament. In the same month the member for Blacktown and Labor MP, Stephen Bali, introduced the Environmental Planning and Assessment Amendment (Moratorium and Restrictions on Recovering Energy from Waste) Bill 2018. The bill has lapsed, but the member for Blacktown has recently reiterated his calls for a moratorium on waste-to-energy plants in New South Wales until the State Government has devised a new planning framework for the developments. That bill would have permanently prohibited energy-from-waste incinerators within the Greater Sydney Basin and surrounding local government areas. It would also have introduced a moratorium on waste-to-energy projects throughout the rest of New South Wales.

In July 2018 The Next Generation project, which was the subject of controversy—hence the two bills I have mentioned—was ultimately scrapped by the Independent Planning Commission [IPC] after the EPA and DPIE recommended that it not go ahead. More than 1,000 submissions were made, with all but a couple objecting to the proposal. In its statement of reasons the IPC referred to the planning department's assessment report, which concluded:

... the proposal is inconsistent with the EfW Policy which presents uncertainty around the performance of the facility and the long-term risks to the environment and the health of the local community;

the applicant has not identified a suitable 'reference facility' and therefore the expected air emissions from the proposed design fuel are unknown ...

the proposed design fuel contains a significant portion of potentially hazardous waste streams which may result in harmful compounds, such as dioxins and furans, in the emissions;

the development is likely to use material for energy recovery instead of utilising this material to achieve higher order resource recovery outcomes, which is inconsistent with the principles of the Waste Avoidance and Resource Recovery Act 2001 ... and the NSW EfW Policy ...

The IPC's decision is presently under appeal by the proponents in the NSW Land and Environment Court, but there are three more waste-to-energy projects slated for New South Wales. Cleanaway Waste Management has revealed plans for another separate site in the same area in Eastern Creek on the same scale as The Next Generation project, which will burn up to 500,000 tonnes of household and business waste. There is also a proposal in Matraville, where companies SUEZ and Orora plan to burn 163,000 tonnes of non-recyclable waste—including plastics—to fuel the operation of Orora's onsite Botany paper mill.

Lastly, Energy Australia's Mount Piper Energy Recovery Project in Lithgow would fire 200,000 tonnes of refuse to be transported by up to 100 B-double trucks along the Great Western Highway and Bells Line of Road each and every day. Those projects all pose unacceptable risks to people's health, as well as to the Government's own stated goals of a circular economy and net zero emissions by 2050. They would burn nearly 1½ million tonnes of municipal waste per year, which would otherwise be composted, recycled or processed for recovery of resources but will instead be converted into invisible, lethal toxins.

Waste-to-energy incinerators pose an unacceptable risk to the public's health at a time when the health of our community, including our most vulnerable, must be front and centre of every decision made by the Government. The health risks of waste-to-energy incinerators are severe and well documented. The latest National

Environment Protection (Ambient Air Quality) Measure review found that the current ambient levels of carbon monoxide and nitrous dioxide are already having severe impacts on people's health. The past 12 months have seen an increase in the number hospitalisations and deaths as a result of poor air quality in New South Wales because of the bushfires. Now, as governments the world over grapple with how best to ensure that communities are resilient and as safe as they can be during the deadly COVID-19 pandemic, any new projects must be ruthlessly assessed against whether they impact negatively upon people's health.

To say that waste-to-energy incinerators do this is an understatement. Waste incinerators have been identified by the World Health Organization as one of the largest producers of dioxins, which can cause reproductive and developmental problems, damage the immune system, cause interference with hormones and cause cancer. This year a peer-reviewed publication, the *Australian and New Zealand Journal of Public Health*, found that there is insufficient evidence to conclude that any incinerator is safe after canvassing evidence from 93 studies collated from the past 15 years from around the world. The National Toxics Network has reported:

Waste incinerators produce large amounts of toxic air pollution ... highly toxic and carcinogenic persistent organic pollutants such as dioxins and furans ... hexachlorobenzene ... PCBs and brominated persistent organic pollutants.

It also reported that incinerators:

... emit nanoparticles, toxic heavy metals such as lead, mercury and arsenic and acid gases ...

In 2010 Australia became a signatory to the international Stockholm Convention, the objective of which is to protect human health and the environment from persistent organic pollutants. This is not something we can simply overlook, particularly in the time of COVID. Waste-to-energy incinerators will make the waste problem in New South Wales worse, not better. It will do nothing to reduce waste, despite the Government's stated intention of moving towards a circular economy.

In March this year the Government released an issues paper entitled *Cleaning Up Our Act: The Future for Waste and Resource Recovery in NSW*. The paper predicted that by 2040 the waste generated in New South Wales would grow from 21 million to 31 million tonnes every year—faster than projected population growth. The same report identified that 35 per cent of our rubbish goes to landfill, which is 10 per cent above the Government's approaching 2021 target of 25 per cent. That means that all available landfill will be at capacity within a matter of years.

For years, New South Wales was shipping its waste problem overseas, largely to developing countries where it created an environmental nightmare for some of the poorest nations in South-East Asia. In July 2017 China announced that it would no longer take Australia's glass, plastic bottles and other recyclable materials due to contamination issues. Malaysia and India followed suit. That should have been a wake-up call for the New South Wales Government to provide a massive boost to local government and the local recycling industry to encourage waste innovation, and the potential for thousands of jobs along with it. But the Government has been dragging its heels. However, recently the Federal Government announced its first world export ban on waste, which COAG will begin implementing from January next year. It sounds like a good thing, but the devil is in the detail.

Australia produces the highest amount of residual waste per capita in the world. Instead of using the export ban as an opportunity to drive innovation and find sustainable solutions that tackle our waste crisis over the long term, the National Waste Policy Action Plan 2019 relies on waste to energy instead of aiming for a zero-waste or circular economy model. Another risk of the waste disposal industry is highly toxic waste materials catching fire when coming into contact with moisture or other reactants prior to the incineration process. That happened recently in Victoria and Western Australia. It could include hazardous chemicals, household cleaning products, batteries or even tyres that have found their way into municipal waste streams. Fires of that nature have the potential to burn out of control and emit huge amounts of extremely toxic chemicals, with no filtering to reduce their effects.

Waste-to-energy incinerators are often touted as clean, green solutions yet a closer look at the overall greenhouse gas emissions generated reveals it to be clever spin from an industry that needs to expand into new regions to grow revenue due to contracting international markets. Proponents calculate a negative emission value for their projects by offsetting their greenhouse gas emissions against those diverted from landfill and electrical grid supply from coal and gas. But before those concessions, the Eastern Creek environmental impact statement projects its emissions at half a million tonnes of greenhouse gases per year. That excludes the 614 vehicles that it will require in service of its daily operations. While being sold as a landfill solution, incinerators return 25 per cent of their feedstock volume to landfill as ash. That includes bottom ash and highly toxic fly ash. For the Eastern Creek, Western Sydney, Matraville and Mount Piper plants, that would equate to over 350,000 tons per year. No market exists for that ash; it must be disposed of in landfill, where its dioxins, furans and heavy metals seep into the environment and become a health risk.

There are far better ways of reducing landfill emissions and generating clean power that do not require spewing more toxic fumes into our air and our environment. The business case for incinerators means any that are approved now, or next year for that matter, will typically take between 25 and 30 years to become financially viable. Over that time operators will look to secure a steady supply of waste to protect their bottom line. That is an incredible 42½ million tonnes of rubbish to secure profitability for the four incinerators currently in New South Wales' planning pipeline. Waste to energy is not about reducing waste. It should not be included in the waste plans and strategies of the New South Wales and Federal governments, as it currently is, because even blind Freddy can see that it is in the financial interests of the incinerator industry to create more rubbish, stymie waste-reduction efforts, reduce recycling and limit resource recovery.

In its submission to the 2017 inquiry into energy from waste technology conducted by then Portfolio Committee No. 6 - Planning and Environment, SUEZ—one of the co-proponents of the incineration proposal for Matraville—stated that the EPA's residual waste supply restriction was "particularly onerous" and claimed that source sorting into dry recyclables and green bins was adequate. That is contrary to the Government's policy direction to increase sorting and reduce residual waste. It is an early warning sign that incinerators do not look forward to a circular waste economy and will actively work against it. In the United States and the European Union the entrenchment of incinerators in waste management is causing huge problems. Despite having the highest recognised standard of regulations, European plants on the Isle of Wight, in Scotland and in Germany have breached emissions rules on multiple occasions and exceeded permissible limits of dioxins—in one case polluting the local environment with five times the legal limit of mercury and in another causing a major explosion.

An oversupply of incineration to waste has resulted in countries like Sweden and Denmark importing rubbish to support their stagnating industries. In a policy shift towards zero waste and a circular economy, the European Union recommends that member states decommission old plants without replacements and encourages more investment in source separation and non-incineration technologies. In the past decade in the United States waste incinerator numbers have not increased from 113 plants. The US Department of Energy reported a stagnation of incineration industries since the early 1990s, caused by growth in recycling and composting, strong public opposition and the operators' failure to adapt to increased environmental protection regulations. But in New South Wales the industry wants to get its foot in the door while other nations are calling last drinks.

On top of the environmental, health and economic cases against incinerators there is the resounding message from New South Wales residents that they do not want them. Thousands of submissions to the energy from waste inquiry and proponents' community consultation planning phases make that abundantly clear. Residents of western Sydney, the Blue Mountains and Matraville deserve recognition and credit for tirelessly petitioning against the incineration development proposals in their regions. Petitioners include the Prince Henry Community, the Western Sydney Direct Action group, the No Incinerator for Western Sydney group, Blacktown and Penrith city councils, and many more. Their concerns are serious and warranted, as planned facilities are within dangerous proximity to homes, schools, hospitals and sporting venues. The western Sydney community is tired of the Government using western Sydney as a dumping ground for its less-than-savoury infrastructure projects.

To give members a sense of the community sentiment on the issue, I read onto the record a selection of quotes from submissions to the upper House inquiry into energy from waste technology: "I hold fears for my wellbeing (being asthmatic) and for my children's health"; "We already have a disgusting smell that covers St Clair/Erskine Park most days that makes us feel nauseous to the point that we have to have all windows and doors closed"; "I'm concerned for my children who attend school in Erskine Park due to the pollutants and am concerned that my home, which I have heavily invested in in the 19 years that I have lived in it, will decrease in value"; "Why should our health be put at risk with extra pollution just because we cannot afford to live in the city?"; "This incinerator is within 5.6 kilometres of my local school and within a kilometre of Minchinbury Primary School. I cannot begin to imagine how toxic the environment will be, if this incinerator goes ahead, for our children"; "Already I am surrounded by six rubbish dumps and the smell of a morning can be horrendous. The people of Western Sydney are not second-class citizens."

Despite the community's commendable efforts, input from NSW Health, the Environment Protection Authority, recommendations from the parliamentary inquiry and a rejection from the New South Wales Independent Planning Commission, head of The Next Generation Mr Ian Malouf has launched an appeal in the NSW Land and Environment Court in defence of his Eastern Creek incinerator. The energy from waste inquiry tallied 18 breaches and 581 complaints against the so-called "tycoon of trash", Mr Malouf, and his waste empire, including Dial A Dump and Alexandria Landfill. Clearly, the company is not concerned with meeting a key requirement of the EPA's 2015 NSW Energy from Waste Policy Statement of gaining community acceptance. New South Wales is in an advantageous position of having not yet stumbled down the slippery slope towards a lazy, toxic and costly incineration industry. As many other countries around the world are now finding, it is much harder to put the genie back in the bottle.

I turn to key provisions of the bill. The bill amends the Environmental Planning and Assessment Act 1979 by introducing a prohibition on certain waste-to-energy incinerators. For the purposes of the bill, waste-to-energy incinerators are incinerators that function by burning plastic and industrial waste. As I mentioned earlier, four of them are in the planning pipeline. Importantly, the prohibition does not apply to waste and energy incinerators that treat only clinical or related waste, or waste that has been declared an exempt waste fuel by the Act. This ensures that the bill will not change the existing provisions for waste-to-energy projects that are currently permissible under the NSW Energy from Waste Policy Statement. The prohibition applies to pending applications for development consent or for certain planning approvals, and will not apply to developments that are subject to existing development consent or certain existing planning approvals. In other words, the bill will draw a line in the sand and provide assurances for communities across New South Wales that toxic waste-to-energy incinerators will never gain a foothold in this State.

There are certain waste fuels that the bill does not apply to, including biomass from agriculture, clinical and related waste, forestry and sawmilling residue, landfill gas and biogas, organic residue from virgin paper pulp activities, recovered waste oil, source-separated green waste, uncontaminated wood waste and waste tyres for use in a cement kiln. Those fuels are all based upon the EPA's Eligible Waste Fuels Guidelines and represent existing fuel incinerator projects. I put on the record that the scope of the bill is limited to prohibiting waste-to-energy incinerators, as mentioned. This is deliberate so that the toxic waste-to-energy incinerator proposals springing up around Greater Sydney and Lithgow and threatening our communities cannot get a foothold in New South Wales. While The Greens may have some problems with, for example, organic residue from virgin paper pulp activities and some forestry biomass, they are not dealt with in the bill.

Much of the rest of the world has moved on when it comes to viewing waste-to-energy incinerators as part of the solution in tackling waste, and has recognised that there are much cleaner and more sustainable ways to solve our landfill crisis than setting it on fire. New South Wales is on the precipice of starting just that. I urge all members to support the bill. In doing so, they will show that they are prepared to stand with the people of New South Wales to protect their health and commit to a more sustainable future. I commend the bill to the House.

**Debate adjourned.**

#### *Motions*

### **COVID-19 AND CHARITABLE AND COMMUNITY ORGANISATIONS**

**The Hon. BEN FRANKLIN:** I move:

That private members' business item No. 613 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. BEN FRANKLIN (16:23:20):** I move:

- (1) That this House notes that:
  - (a) the COVID-19 pandemic has been, and still is, an extremely difficult and challenging time for communities; and
  - (b) the pandemic has significantly increased the demand for assistance from charitable and community support organisations.
- (2) That this House:
  - (a) thanks the following organisations for the substantial support they have provided to their local communities:
    - (i) the Red Cross for establishing their COVID CONNECT telephone outreach service;
    - (ii) the North Coast National Show Society for their work with NSW Health, local Council and the NSW Police Force to provide accommodation during COVID-19 and to provide support for local business;
    - (iii) sporting organisations who are involved in the Play for Lives Campaign such as Football Far North Coast and the Lord's Taverners;
    - (iv) the Rotary Club of Ballina-on-Richmond who, in partnership with The Cove Restaurant, has provided over 1,600 free meals to those in need;
    - (v) the Byron Community Centre for their initiatives of the Community Pantry and free phone counselling;
    - (vi) Support Lismore for their online campaign to encourage people to get behind local businesses; and
  - (b) thanks and acknowledges all community-based organisations across New South Wales for their dedication and commitment to supporting local residents through this extremely challenging time.

I recognise and thank the wonderful community organisations that have acted with such diligence, integrity and generosity during the COVID-19 pandemic to support the needs of the most vulnerable in communities across New South Wales. Every single person in this State has faced deep uncertainty, serious challenges and increased

stress during this crisis. Community organisations and charities have stepped into the breach and been a constant source of support and assistance for people across New South Wales. Incredibly worthy examples are in every town and suburb—which I hope other members will highlight. But today I take the opportunity to speak about the selfless work of a few organisations in the Northern Rivers. The North Coast national show society quickly sprang to action to support the community as the pandemic emerged. With the closure of camping grounds and caravan parks, many people had nowhere to go. The North Coast national team quickly stepped in to work with NSW Health, NSW Crown Lands and Richmond Police District to offer space at the showground for people to call home.

The Lismore Showgrounds also hosts two weekly food markets with over 30 farmers as vendors. The North Coast national team again worked with NSW Health to make sure that the markets were considered essential food providers so farmers could keep their business going in a COVID-safe way. They are the embodiment of their community and I sincerely thank them for their efforts. The Play for Lives campaign is an initiative of former Socceroo Craig Foster to get local sporting clubs more involved with their communities while sport was on hold. Across Australia, clubs have offered volunteer and financial support and, in the Northern Rivers, Football Far North Coast and the Lord's Taverners Northern NSW have stepped up to the plate. The clubs have provided assistance to Our House, an accommodation facility for cancer patients undergoing treatment, and the Winsome hotel, which offers a meal service for the homeless and vulnerable. The Play for Lives campaign has meant those wonderful organisations can still deliver help and hope to people in their time of need, despite COVID-19.

The Rotary Club of Ballina-on-Richmond, under the leadership of president Dave Harmon, moved swiftly into action as the pandemic began to impact the community. Partnering with The Cove restaurant in Ballina, the club provided meals to people who were impacted most and, to date, over 1,600 free meals have been given out across the community. Members also partnered with Coles and other local organisations to deliver free bread and offer a grocery delivery service to those who could not leave their homes. The Rotary Club of Ballina-on-Richmond is a fine example of a service club, and I know that its example is repeated across the State again and again. The Byron Community Centre is another great example. With the onset of COVID-19, many activities at the Byron Community Centre came to an abrupt stop. Undeterred, it started looking for different ways to support those in need.

With the financial generosity of Allygroup, community donors and help from volunteers, the Byron Community Centre engaged in other COVID-safe projects, including the Byron Community Pantry, which is a food outreach service for those who are unable financially or physically to shop; free phone counselling for Byron shire residents who are experiencing stress due to COVID-19; and a part-time social worker to assist with the increasing need for mental health support. Local enthusiasm to support the shire has been amazing, and it does not stop in Byron. Support Lismore is an online campaign created to drive community engagement with local businesses. Set up by local businesswoman Sally Flannery, the website and Facebook page offer information about local cafes and restaurants, events, accommodation and adventure opportunities throughout the region.

With over 5,500 thousand followers on Facebook, Support Lismore has become an amazing resource for locals and businesses to connect with one another, and has helped keep doors open and the community active through this incredibly challenging time. The initiative has been instrumental in supporting the Lismore community and its importance cannot be underestimated. They are just some of the incredible local organisations that have stepped up to support those most in need, but just as many nationally based organisations have also shouldered the load. For example, throughout Australia the Red Cross is currently working to deliver support to those who need it most.

While it operates a regular call outreach service to help those who are alone, it has also launched COVID Connect, which is a free service to help people stay connected. Over 200 volunteers call people daily or weekly, with over 2,875 calls made so far in this program alone. That is in addition to the more than 14,400 calls that have been made to those who have returned home from overseas and are quarantined in hotels in New South Wales. While business is not "as usual", those organisations and thousands like them have been there for the community when people needed them the most. I have not been able to highlight the countless other organisations and individuals across the State, but I honour them just as fervently. The measure of a person or an organisation can be seen in a time of crisis. I thank those who have answered the call—we are truly and deeply grateful. I commend the motion to the House.

**The Hon. PENNY SHARPE (16:28:06):** I speak in support of the Hon. Ben Franklin's motion, which recognises the incredible work that has been done by community organisations, charities and local communities themselves during the COVID outbreak. The reality is that those who were doing it tough before the COVID pandemic are doing it even tougher now. For those who are ill or have a disability; are poor, homeless or unemployed; have lost their jobs; are in precarious employment, living shift to shift; or are temporary visa holders,

refugees or international students, the world has been a very challenging place in the past few months—and there are more difficult months to come. COVID has stripped back the camouflage of affluence to expose the struggle of so many. Community organisations and charities and local communities have stepped up to fill the void during this time.

In particular, I put on record the important work that has been done by neighbourhood centres, youth centres, homelessness services and domestic violence services, and the incredible role that their peak organisations have played during the pandemic. I acknowledge the Minister for his coordination work during the COVID peaks and for listening to issues on the ground to see whether they could be addressed. I will criticise him later, but I indicate that he did reach out and he did listen, which was extremely important. I also recognise the work of the unions that represent the workers in the services that have had to step up. I have witnessed incredible feats by people working long hours for no extra pay as they turned overnight from a walk-in service to an online service, ensuring that isolated elderly people in the community could access their prescriptions. I tip my hat to the Australian Services Union and the work it has done.

Lastly, I speak about the reality of hunger during COVID. This has been exposed as people have lost their incomes, sometimes overnight. It was reported the other day that 1.4 million people in Australia currently rely on the support of food charities. That is a huge amount of people. I give a special shout-out to big charities Foodbank and OzHarvest, which have done a huge amount of work, along with smaller ones like the Addison Road Community Centre. I also give a shout-out to those small communities that have set up community pantries, like the Newtown Blessing Box, the Marrickville Box and Tempe 2044. These small community pantries are feeding hundreds of people every week using the very basic notion that you take what you need and you give what you can. I thank contributors very much. I thank the Hon. Ben Franklin for moving this motion. Community organisations deserve more support. They are doing an incredible job and we could not live without them.

**The Hon. SCOTT FARLOW (16:31:29):** I commend the Hon. Ben Franklin for moving this motion. More importantly, I commend all the community groups across our State that have been doing an amazing job during this unprecedented time to support others in the community. I will share the story of one community group that I have worked with during this time. It started along an unconventional path. I was contacted by Murray Norman, the head of Christian SRE, to see whether I could find any Government support for a group called the United Shia Islamic Foundation, headed by Hussein Faraj. This is an example of ecumenical groups working together. The Government announced a \$10 million food support package in New South Wales to assist with food delivery. The bulk of that money went to Foodbank, which is a wonderful organisation that does great work and is headed by a former member of this place, John Robertson. Foodbank has done an amazing job supporting communities throughout New South Wales.

However, multicultural communities have certain dietary requirements, and the United Shia Islamic Foundation met that need in the Islamic community. Hussein Faraj reached out to me. His story is that back in April the foundation expanded the operation to cater for 2,000 servings of food a day, delivering to over 200 families a day with 90 per cent of recipients aged 70 and over. In an email to me, Hussein said:

We have been doing this since stage 1 lock outs, although before the Channel 9 report we were providing food for 400 servings and due to the spread of the program, this has now increased to 2000 servings daily.

Mr Faraj's organisation was not the only one that provided these support services to multicultural communities with special requirements, particularly religious communities. The Hindu Council of Australia also provided support to the Hindu community throughout Sydney. I was grateful to be contacted by the council to celebrate its work, but unfortunately Parliament was sitting and I could not join in the congratulations. However, the Federal member for Reid, Fiona Martin, went along to commend the council for its work. The New South Wales Government, spearheaded by Minister Geoff Lee, has provided a \$500,000 package to multicultural groups in support of their services, on top of the \$10 million relief package provided to organisations such as Foodbank. I commend the organisations that I have been fortunate to work with, as well all the other organisations, for their great work during the pandemic in support of the community.

**Ms ABIGAIL BOYD (16:34:20):** On behalf of The Greens, I support the motion. Across the State, community organisations have borne the burden of identifying those who have fallen through the gaps in government assistance schemes and providing food, shelter and other support directly to community members in need. On behalf of The Greens, I extend my thanks and gratitude to those community organisations. I also thank the Hon. Ben Franklin for recognising the impact that COVID-19 has had on communities on the North Coast of New South Wales and for recognising the important work that charities, community organisations and other support services have played in areas including Byron Bay, Ballina and Lismore. Byron is one of the regions in New South Wales that is lucky enough to have the representation of a Greens MP. I commend the community groups and organisations that Ballina MP Tamara Smith has recognised for their outstanding work over the past few months in support of her community on the North Coast.

Those organisations and their representatives include: the Ballina Farmers Market, Cherry Street Sports Club, Ballina Bowling & Recreation Club, Wendy Bithell and Vision Walks Eco Tours, the Byron Writers Festival Schools Program, Candy Fitness, Danny Singh from The Cove Ballina, and Annika Korsgaard from the Help! charity. I also thank Tamara Smith and her parliamentary team for their tireless efforts in supporting their electorate through the crisis.

**The Hon. TAYLOR MARTIN (16:35:57):** I support the motion of the Hon. Ben Franklin. Many people across our State and across the world have been impacted terribly by COVID-19. I acknowledge the work that has been done by local charities to provide support to those who need it. I highlight the work of Newcastle Grammar School in raising funds to support people impacted by the COVID-19 pandemic. Newcastle Grammar is one of 200 schools in Round Square, an international network that is committed to nurturing forward-thinking global citizens. In June the school's Round Square student committee, along with the senior school's jazz ensemble, Brass RaZoo, performed a concert that was streamed on YouTube. Viewers of the live stream were encouraged to make a donation to the Global Alliance for Peace, which is a local charity based in Newcastle. The Global Alliance for Peace has a primary goal to help grassroots communities overcome poverty and social injustice. The charity was founded by Jerome Rugaruza, who spent 12 years in refugee camps in Kenya before making his home in Australia and setting up the alliance.

The money that was raised from the concert went towards the charity's Stay Home Emergency Food Relief for Africa [SHEFRA] program. The SHEFRA program aims to keep women and their families functioning during at least one month of COVID-19 isolation. The funds assist with hygiene products, water and electricity bills, food delivery and rent for the most disadvantaged people. I congratulate the school on raising \$6,225 for the Global Alliance for Peace. In particular, I thank Ms Samantha Jones, the Newcastle Grammar Round Square coordinator; James Peters, chair of the Round Square student committee; Mr Kevin Young, head of the music department; Mr Lee Sherringham, the director of Brass RaZoo; and all the students who participated. I commend the motion to the House.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:37:56):** I support the motion moved by the Hon. Ben Franklin. It is very timely, as we are living through the pandemic, to acknowledge the incredible work of charities and community support organisations. Members see this work in action in their own communities, whether we live in the city, in the north-west—where I am from—or up on the North Coast, which the Hon. Ben Franklin referred to substantially in his motion. As members know, I live in Gunnedah—that is my home. But as the Hon. Ben Franklin well knows, Byron Bay is my spiritual home. My family have been going there for almost 40 years on Christmas holidays. We love it. My dad lived up there for a little while in the seventies. It has been a wonderful community that we are privileged to spend time in every year.

I acknowledge the Byron Community Centre for its initiatives, which the honourable member mentioned in his motion. The centre does a fantastic job for the local community. That sense of community is what is so great about the areas on the North Coast that the honourable member mentioned in his motion, whether it is in Byron, Ballina or Lismore. That is incredibly important to acknowledge. The people in those communities are lucky to have the representation of the Hon. Ben Franklin as their duty MLC. He does a wonderful job in this Chamber, notwithstanding what we are here for today to deal with this motion. The motion reflects that the Hon. Ben Franklin is a passionate advocate and feels very deeply for the north coast. It is also incredibly timely that this House and this Parliament is acknowledging community-based organisations not only on the north coast but right across New South Wales for what they are doing to support our most vulnerable during very challenging times.

**The Hon. MATTHEW MASON-COX (16:39:13):** Congratulations, Mr Assistant President. It is wonderful to see you in the chair. I was impressed by the seamless way in which you made your way to the chair and your command of the standing orders. I thoroughly appreciate the Hon. Ben Franklin moving this motion in the House today. It is the great unsung heroes of our communities that have done an amazing job in the most difficult of times. I too pay tribute to them. They continue to do a wonderful job in difficult circumstances helping many people to overcome the loneliness in their lives, reaching out and putting a human touch on situations often a way that is a little bit innovative. Whether by phone or over the internet, they are reaching out to people in their homes and giving them an opportunity to connect. It is such an important thing when people have been isolated and in some ways marginalised as a result of this COVID-19 curse which we are all living under.

I particularly acknowledge a few organisations in my community that have been struggling with how to interact with people for whom they are a vital lifeline. Home in Queanbeyan provides accommodation for 20 men and women with mental health conditions. It has struggled while managing this pandemic. It has been interesting speaking to manager Anne Pratt about it. It has brought their small community together more tightly because they have had to rely on each other more as a result of what has happened. Similarly, St. Benedict's Community Centre provides meals to the homeless in Queanbeyan and is an advocate for homeless men and women.

It too has struggled with the conditions under which it operates. Their facility in Queanbeyan is state-of-the-art but it has had to comply with changes to its operating procedures during the COVID restrictions such as providing food hampers to residents rather than serving hot food. I note Foodbank does an amazing job in our wider community. Queanbeyan Meals on Wheels chair Nicole Overall has presided over that very important role of providing food and a chat while reaching out and connecting with people. Again, I thank all those community-based organisations and the Hon. Ben Franklin for moving the motion in this Chamber today.

**The Hon. BEN FRANKLIN (16:43:04):** In reply: Thank you to all members who spoke today. The genuineness and sincerity of all was apparent because this is an unprecedented time, as many have said. The way that the community needs to deal with this time is also unprecedented. The Hon. Penny Sharpe gave a generous and broad ranging contribution to this motion, touching on a range of issues, predominantly homelessness and hunger. Her statistic that 1.4 million people are relying on the support of food charities is an extraordinary and very salient one for us all to remember.

So many organisations in the community are providing this support. The Hon. Scott Farlow spoke about religious organisations and multicultural organisations that are focusing on those particular parts of the community who have distinct and different needs. The Hon. Taylor Martin talked about educational organisations and the work that they are providing. The Hon. Sarah Mitchell talked about the importance of local communities and the particular community that she has an affiliation with, as did the Hon. Matthew Mason-Cox, who talked about organisations in the south of the State.

The contribution I want to acknowledge in particular came from Ms Abigail Boyd. Through her contribution we saw what is important and that it is not about politics. All of us are doing all that we can. All of us, whatever side of politics we find ourselves on, are working hard to try and support our communities. That is exactly the point that she was making and the point that I make. I acknowledge and honour every member in this Chamber for the work that they do in supporting their communities. But more than that, I acknowledge and I honour the organisations that are the backbone of our community that are providing the services to those most vulnerable and who need it most.

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

**Motion agreed to.**

#### *Bills*

### **STATE REVENUE LEGISLATION AMENDMENT (COVID-19 HOUSING RESPONSE) BILL 2020 PERSONAL INJURY COMMISSION BILL 2020**

#### **Messages**

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I report receipt of messages from the Legislative Assembly agreeing to the Legislative Council's amendments to the bills.

#### *Documents*

### **PUBLIC SCHOOL ENROLMENTS**

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

**The Hon. COURTNEY HOUSSOS:** I move:

That private members' business item No. 620 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (16:46:10):** I seek leave to amend private members' business item No. 620 by inserting "if possible" after "in electronic and searchable format."

**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, in electronic and searchable format, if possible, the following documents in the possession, custody or control of the Department of Education or Minister for Education and Early Childhood Learning relating to the enrolment capacity of public schools:

- (a) a document listing the enrolment capacity of each public school in New South Wales, as at 1 February 2020, including the school name, permanent and non-permanent classroom capacity and electorate;
- (b) a document listing the enrolment capacity utilisation of each public school in New South Wales, as at 1 August 2020, including the percentage over or under capacity, school name and electorate;

- (c) a document listing the number of permanent and demountable classrooms at each public school in New South Wales, as at 1 August 2020, including the school name and electorate;
- (d) a document listing each public school in New South Wales which is over its enrolment caps as at 1 August 2020, including the school enrolment figure, school name and electorate; 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.

I will be brief in my comments as there are a lot of items on the business paper today. The call for papers before the House today regarding the enrolment capacity of our schools in New South Wales is an important one. As a member of the Opposition I have certainly put in a Government Information (Public Access) Act [GIPAA] application and I know other members of the Opposition have also done this. The important question is: How are our public schools are being utilised. We need to be able to speak about it publicly. What is happening if schools are clearly over capacity? Is it because that school is doing well and is attracting a lot of people? If a school down the road is not at capacity, what are the reasons for this? This information can only be useful to the public debate.

The reason we have moved a motion for a call for papers is because I lodged a GIPAA application for this information and instead of it costing \$30, as it usually does, I received correspondence stating it will cost almost \$300. I do not think that is a fair burden when this information has been provided previously. This is an important way to contribute to public debate about our schools in New South Wales. I appeal to the House to support this call for papers. This Government is reducing the choice of parents who seek out alternative public school options. The Government has introduced changes and restrictions to the way that the out-of-area enrolment policy operates. With that in mind, it is also important that we look at the capacity of each of our public schools in New South Wales. I commend the motion to the House.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:48:38):** The Government will not be opposing this motion. Over time a lot of members have put many questions on notice asking for information about school enrolments. In her motion the Hon. Courtney Houssos also references permanent and demountable classrooms. As I said, this is information that is sought often and is provided. The Government will not oppose the motion.

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

**Motion agreed to.**

### *Bills*

## **EDUCATION LEGISLATION AMENDMENT (PARENTAL RIGHTS) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. MARK LATHAM (16:50:42):** I move:

That this bill be now read a second time.

In 2017 the Berejiklian Government ended the insidious Safe Schools program in New South Wales schools. Late last year the Minister for Education and Early Childhood Learning, the Hon. Sarah Mitchell, said:

The reality is that instilling value sets and encouraging positions on social and political issues is not the job of schools. It is the job of parents.

The purpose of the Education Legislation Amendment (Parental Rights) Bill 2020 is to legislate two decisions: to outlaw gender fluidity teaching, course development and teacher training in the New South Wales education system; and to reassert the rights and role of parents in the moral, ethical, political and social development of their children, such that no school should be teaching material in those fields against the wishes of parents. We hear a lot of talk in the political debate about colonisation, but the worst colonising practice in our society are attempts by social engineers, many of them in the education system, to take over the role of parents.

It is part of the post-modernist attack on the nuclear family. In trying to unravel and remake our civilisation, they know the foundations of family are critical. If they can convince young people that things such as family and gender are socially constructed and that there is some kind of conspiracy to deny them their true identity, then no part of our culture is safe. The Parliament should legislate to defend the family unit and the biological science of gender. Parents, not schools, are the teachers of the values of their children. There are some fine teachers in the education system, but at the end of the day they are strangers in the lives of families. They come and go while parents are there 24/7, loving, nurturing and celebrating the achievements of their children, and dealing with the problems late at night and on weekends—never with a six-week break.

Parenting can be tough and, in the era of social media, it can be challenging. The main thing parents ask of schools in the social development of children is to do no harm. Do not confuse our children by telling five- and six-year-olds that gender is as fluid as water and that they can be a boy one day and a girl the next; do not run classes in which 12-year-olds are told to pretend that they have come from another planet and arrive on earth without a penis or a vagina as Safe Schools did; do not confuse our children about the fixed biological reality of gender in that, other than a small number of cases, people are born male or female; do not sexualise children, creating mental illnesses and other problems in their young lives; do not engage in the child abuse of promoting gender fluidity; and do not turn our schools into political indoctrination camps, imposing the personal views of educators onto students.

Schools must deliver education, not indoctrination. I congratulate the Berejiklian Government on removing the Safe Schools program from the New South Wales curriculum. I congratulate the education Minister at the table on her statement of policy intent late last year asserting the rights of parents, but it has become clear to me and the people I represent that those two things are not enough. The Government has some good intentions, but good intentions are not enough. In truth, the State Government has lost control of the education system. The interest groups and activists are ignoring the Premier and her Minister's policy directives. The Berejiklian Government does not actually run the New South Wales school system. It is run by bureaucrats, the Teachers Federation and what I call the education establishment—the same group of academics and advisors who pop up on every inquiry and ride every gravy train, having already given our State the fastest falling school results in the world.

They see education as an agent for social and political change rather than a chance to give every student the best start in life. For such people, the 2017 decision to end Safe Schools was irrelevant. They run the education system, so they have simply found other ways of implementing the same policy. And it is easy to do so through the eye-watering neglect of the New South Wales Education Standards Authority [NESA]. Somehow NESA has got itself into a situation where there are 42,000 accredited teacher professional development courses in New South Wales—an absolutely amazing number. NESA does a desktop assessment to accredit professional development providers—782 in total—who are then free to develop teacher training courses as they see fit. NESA has no idea what is in the courses. The Minister and the Premier have no idea of the content. There are 42,000 of them and no-one in the State knows what is in them. They are costing taxpayers billions of dollars as part of the mandatory system of 100 hours of professional development [PD] training.

It is the ultimate in laissez-faire education: a free-for-all without any centralised quality control or supervision. In many cases, the PD providers have used the freedom and absence of accountability to teach Safe Schools and instruct teachers on how to teach gender fluidity in the classroom. So make no mistake: Safe Schools is back, worse than ever. The most brazen example of it is the NSW Teachers Federation, which has somehow been accredited for over 150 professional development courses. One of them is listed as Teaching Safe Schools; another is LGBTIQ Inclusive Schools. Two other Teachers Federation courses provide support for gender conversions, entitled "Inclusive Practice for Trans and Gender Diverse Students in School Settings" and "Supporting LGBTIQ Students in Schools". In 2017 the Government said that Safe Schools should not be taught to New South Wales students. The Teachers Federation has, in effect, said, "So what? We, not the Government, run the school system. We will train our members in whatever way we want, including Safe Schools."

It is all there on the federation's website. It is all the material that the Government thought it had banned. The Teachers Federation recommends the resources for every New South Wales government school teacher: the *Stand Out Minus 18* guide, written by Roz Ward in 2011 for the Victorian Safe Schools Coalition; the *Gayby Baby School Action Toolkit*; the Gayby Baby curriculum guide, showing teachers how they can fit gender fluidity teaching into existing school syllabuses and for wellbeing students as young as kindergarten; the All of Us Safe Schools Coalition's guide for Years 7 and 8; the National Safe Schools Framework; a series of Safe School information kits also written by Roz Ward; PRISM online, which specialises in attacking heterosexuality; material from the Gender Centre and Transtopia Youth; and a wide range of gender fluidity guides from overseas.

Roz Ward has admitted that Safe Schools was never an anti-bullying program. Ward has said that it was only ever neo-Marxist indoctrination, yet the Teachers Federation has still gone down this path and defied the wishes of the New South Wales Government. They are part of the political sickness pushing gender fluidity onto little kids, creating sexuality confusion and damaging young lives. It shows us what some of us have always known: The Teachers Federation is not about the welfare and best interests of children in New South Wales; it is intent on implementing radical ideology at any cost. It wants indoctrination, not education. In some respects, it knows that what it is doing is the wrong thing in terms of Government policy. Each of the NESA-accredited gender fluidity training bodies have hidden their course details behind internet pay walls where parents and not even the Minister can see it. It is a big lesson for young Government MPs who want to know how to run New South Wales. Appeasing extremists like the Teachers Federation, and giving them a right of veto over schools policy as the Government has done since 2011, effectively cedes power and control to the group you are appeasing.

I say to the Liberal and National parties: You have reaped as you have sowed. You might have won State elections, but you are not really in government. You are not really running the school system; the federation and its leftist allies are. That is why the bill is needed: to legislate the provisions that the Government has been unable to provide for itself and students and families in New South Wales. The NESAs accreditation system is a cesspit of Safe Schools training. I will list some of the other gender fluidity courses being taught. A Victorian outfit, the Teacher Learning Network has 23 courses as part of political teaching on refugee policy, climate change, colonisation and gender fluidity. Tonight a Melbourne preschool teacher with no special qualifications and no reason for doing it for the New South Wales education system is running a course on how to "break the rigid ideas about gender children develop from an early age" and thereby help them "embrace diversity".

Nine New South Wales universities, themselves overrun by post-structuralism, have accredited NESAs courses. The worst are at the Leftist sinkhole Western Sydney University, which has numerous centres of so-called research on gender fluidity. Its education faculty is currently conducting a research—aka propaganda—project to overturn the 2017 Safe Schools decision and embed "diversity of sexuality" in the New South Wales school curriculum. The project is led by Associate Professor Jackie Ullman, who, according to her social media feed, seems to have just one role at Western Sydney University: instructing student teachers on how to teach gender fluidity. Her promotion of the textbook entitled *Schools as Queer Transformative Spaces* is a very neat summary of her work. I think that one textbook, apparently studied by the student teachers who then go into our schools—

**The Hon. Penny Sharpe:** I didn't think you would be into banning books.

**The Hon. MARK LATHAM:** I read books and I know what is in them and this is wrong.

**The Hon. Penny Sharpe:** So you want to ban some of them. You want to ban them.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order! The Hon. Mark Latham will resume his seat. I was wondering who would be the first member to test me and I did not think the Hon. Penny Sharpe would be on the list. The Hon. Mark Latham is entitled to be heard in silence. The Hon. Penny Sharpe should respect that and respect her position as the Deputy Leader of the Opposition. The Hon. Mark Latham has the call.

**The Hon. MARK LATHAM:** I think many parents and taxpayers in New South Wales would be surprised to know that a textbook called *Schools as Queer Transformative Spaces* is guiding the teachers who are in the classrooms supposedly giving instruction to their sons and daughters. The education Minister should immediately withdraw the university accreditation for those professional development courses and tell the university that New South Wales government schools will no longer be recruiting its graduating teachers trained in gender fluidity of this kind.

The University of Newcastle has also issued a classroom practice manual for teachers, promoting post-structuralist pap, depicting gender and families as "socially constructed" and urging kindergarten children—five- and six-year-olds—to think of nuclear family structures as "problematic". The United Nations even has a foothold in New South Wales teacher training with a Geneva-based International Baccalaureate [IB] organisation running 24 NESAs courses. At St Mary Star of the Sea Catholic College in Wollongong, the IB ethos is translated into year 8 courses on de-gendered language and year 11 geography classes on misgendered babies. The Catholic system was established to give parents a moral and religious alternative to government schools, but now under these foreign influences, that is being lost. Parents are being marginalised.

The most worrying example of NESAs accreditation is MultiVerse, run by Red Ruby Scarlett under the influence of the post-structuralist Judith Butler and Professor Kerry Robinson from Western Sydney University. Scarlett was given permission to run courses on Play with Clay and preschool story telling. She ignored the approval. Instead, through secret Facebook pages, she shows teachers how to run political indoctrination camps for three- and four-year-olds. Everything about their classrooms is aimed at the sexualisation of small children and the promotion of gender fluidity—the posters on the wall, the learning materials in the room, and the requirement for transgender characters to be included in the dolls' houses and the story books—I suppose Cinderella and Goldilocks have been turned into transgender boys.

One of the Multiverse course offerings is "My Friend has Two Mums: Gender and Sexuality in Early Childhood". The course has modules in "Queer Thinking in Early Childhood", "Queer Pedagogies", "Intersex Identities" and "Living Non-Binary". Teachers are told to put their "queer lens" on—this is for children as young as three years old. At page 60 of Scarlet's *Anti-Bias* textbook, preschool teachers are taught the following:

When children are involved in family role-playing don't be afraid to challenge gender and sexuality stereotypes. Present the possibility of boys marrying boys and girls marrying girls ... (so that) children are exploring their understandings of the world.

Welcome to teacher training under a Coalition Government. I accept that there are some in the Berejiklian Cabinet who would not want that to be the case, but they cannot do anything about it as the Government has lost control of the school system—look at the Minister's response to MultiVerse. So let us be clear about what has happened

here: MultiVerse actively deceived NESAs about its accreditation intentions. It had approval for "Play with Clay" and turned it into "My Friend has Two Mums", a propaganda exercise for the sexualisation of children and gender fluidity. So should MultiVerse have not immediately lost its accreditation and Red Ruby Scarlett told to not come anywhere near the New South Wales education system? Instead, the Government has a policy for no Safe Schools but it is unable to enforce its own policy in the case of these professional development courses.

Last week the Minister announced further audits for the entire 42,000 professional development training courses in our State. Knowing NESAs, it will take 10 years. The Minister has also said that she wants courses to be conveying best practice classroom teaching and nothing else—good luck with that. Of the 42,000, only 63 describe themselves as "best practice" in their title—that is less than 0.2 per cent of the courses. NESAs' professional development courses have become a massive money-gouging operation in our schools, enriching the consultancies at taxpayers' expense. The only answer for the Government is to deregister any provider engaging in gender fluidity training and other political content. Why does NESAs need 782 professional development providers? Should we not just have 20 or 30 high-quality experts in teaching best practice, consistent with NESAs' research for what works best in the classroom? That is what my bill provides for.

My bill outlaws gender fluidity teaching, course development and teacher training and ends the accreditation, and thus the employment, of any individual breaking that law. The time for audits is over; we need stronger action, legislated action, to protect our children and families. At its core, post-modernism is a fundamentally anti-educational practice as it drains the trust and confidence of students in what they are being taught. It tells them that everything they know about their family, their gender, their country and everything they might learn about history, science and other subjects is being constructed to mislead them. That is a disease in most Western education systems and the core reason Asian systems have moved so far and so quickly ahead of us. How can our students and schools possibly succeed if the evidential base of knowledge is consistently undermined by telling students that such things are not real and factual, and that it is not really knowledge?

As a Parliament, as representatives of parents first and foremost, we must confront this reality. The education establishment believes in not only post-modernism but also gender fluidity. Increasingly, it is sneering at the role of parents in raising children. The 42,000 NESAs courses tell us the priorities of people in and around the school system. It is not about best practice teaching; it is about politics and inculcating a certain world view. They seek to achieve it by sidelining parents and marginalising the role of the nuclear family in particular. In the recent NSW Curriculum Review, Geoff Masters said that he had produced a report very much in sync with the views of teachers and interest groups. Throughout its 118 pages, the report says that schools should be taking over many of the roles traditionally fulfilled by parents. Masters argued: With the decline of other institutions—sometimes including families—that once played a leading role in inculcating values and developing character, schools have found it increasingly necessary to give priority to students' social and emotional development.

What an insult to the millions of loving, devoted parents across New South Wales who do not see their families as in decline; who see themselves as doing the best job they can in raising their children. If there is one institution in decline, it is the education system—just look at the Programme for International Student Assessment [PISA] results in New South Wales. Masters provides no evidence for this slur against families. The reality is most families still see themselves as part of a clear division of responsibility in relation to the education system. Schools are there for academic excellence, vocational skills, and imparting knowledge and intellectual growth in children. Parents are responsible for the emotional, social and moral development of their children, especially on intensely personal issues such as gender and sexuality. No decent parent would contract out guidance on such matters to school staff. The sidelining of families was the foundational goal of Safe Schools, and Roz Ward said as much.

To properly ban Safe Schools, the New South Wales Government needs to kill cold dead the core promise of Safe Schools and the premise on which it was based—that teachers have a legitimate role to play in shaping the morality of children on personal identity questions such as gender and sexuality. These matters must be the sole preserve of families and that is what this parental rights bill aims to achieve. The Minister says that we should not have politics in our schools and she is right. But the schools are not listening. The unions, the interest groups and the universities are treating the Government with contempt. That is why legislation is necessary.

I refer members to Albion Park High School and its latest newsletter, boasting about its 24 July school assembly that paid homage to Black Lives Matter. The students were told things about Indigenous deaths in custody in Australia that are completely false. This is an unacceptable slur against prison and police officers around the country. They were asked to take a knee for Black Lives Matter. There was a time in this country when people only knelt to their God and to propose marriage. Now we have school students being made to kneel to a self-declared neo-Marxist outfit that believes in defunding the police, abolishing the nuclear family and breaking New South Wales health orders. We need to take back our schools from political activists and their radical propaganda.

The bill makes an important statement about the role of parents. It says that parents have rights—basic, fundamental human rights—in the education of their children. The bill enshrines in New South Wales law Article 18 of the International Covenant on Civil and Political Rights. This is an international standard. I quote Article 18 (4):

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

It is saying that parents decide on the moral education of their children—not bureaucrats, not academics, not unions and not teachers. My bill seeks to amend three statutes: the New South Wales Education Act 1990, the Education Standards Authority Act 2003 and the Teacher Accreditation Act 2004 for this purpose. Two new definitions are inserted in the three Acts. First, "matters of parental primacy" means, in relation to the education of children, moral and ethical standards, political and social values, and matters of personal wellbeing and identity, including gender and sexuality. Secondly, "gender fluidity" means a belief that there is a difference between biological sex—including people who are, by their chromosomes, male or female but are born with disorders of sexual differentiation—and human gender, and that human gender is socially constructed rather than being equivalent to a person's biological sex. Presently, under Objects of the Education Act, section 4 (b) there is a fine statement of intent, which reads:

The education of a child is primarily the responsibility of the child's parents.

But it is totally undefined and—in our State—totally unenforced. My bill adds the words to that subsection:

... which includes the responsibility of parents for the teaching and formation of their children in matters of parental primacy.

New section 17D gives parents a clear right as follows:

No child at a government school is to be required to receive any instruction in matters of parental primacy if the parents of the child object to the child's receiving that instruction.

New section 17E forces schools into a long overdue consultation process with parents—and this is very valuable—such that:

At the beginning of each school year, all government schools must provide a summary of the content being taught in relevant courses of study about matters of parental primacy by publishing that summary on the school's website and notifying parents. As part of this notification, government schools must consult with the parents of students about any instruction in relation to matters of parental primacy and must teach courses of study consistently with the principles in Section 4, the Objects in Section 6 and the obligations in Sections 17A and 17B.

New section 17B requires that in government schools education is to consist of strictly non-ideological instruction in matters of parental primacy, using words similar to the existing section 30 of the Act banning sectarian instruction. Further, new section 17A states:

The education in government and non-government schools must not include the teaching of gender fluidity.

The bill seeks to amend the Teacher Accreditation Act 2004 to revoke the accreditation of anyone who fails to comply with professional teaching standards. New section 21 (1) (g) (1A) states:

The professional teaching standards must:

...

- (b) stipulate as a condition of the accreditation of teachers and other qualified persons under this Act that those persons:
  - (i) must recognise that parents are primarily responsible for the development and formation of their children in relation to matters of parental primacy; and
  - (ii) must not teach gender fluidity.

Unfortunately, the legislation directly governing early childhood education in New South Wales cannot be amended in this fashion due to the intergovernmental agreement underpinning it. In my bill early childhood teacher accreditation and professional development courses are covered in the scope of the other amended statutes. The bill is a strong starting point for debate about the extension of parental rights. I know, as do other members, that this is a clarion call among parents around New South Wales for greater control—proper parental supervision—of the moral and ethical teaching of students in our schools and, indeed, in their own homes. I propose to refer the bill to Portfolio Committee No. 3 - Education to examine in detail the 42,000 NESA courses, gender fluidity training and teaching, and ways in which the bill might be enhanced.

Since I was elected to this Parliament 16 months ago, my office has had a constant stream of complaints about politics in schools. Parents are sick and tired of their kids texting them to say that day's English class was actually gender studies again. Parents are sick and tired of teachers and school counsellors telling their children that gender is a choice. Parents are sick and tired of students being lectured about refugees, climate change and racial and Indigenous issues, but with only one side of the story being told. In summary, parents are sick and tired

of being sick and tired about what is happening in New South Wales schools. They want this Parliament to make its choice. Are schools there to serve parents and their children or have our students become cannon fodder for the ideological and political obsessions of the education establishment? This bill is unequivocally on the side of parents and their children. The time has come to protect their rights in law. I commend the bill to the House.

**Debate adjourned.**

*Committees*

**PORTFOLIO COMMITTEE NO. 3 - EDUCATION**

**Reference**

**The Hon. MARK LATHAM (17:18:06):** I move:

That:

- (a) the Education Legislation Amendment (Parental Rights) Bill 2020 be referred to Portfolio Committee No. 3 - Education for inquiry and report; and
- (b) on tabling of the report by Portfolio Committee No. 3 - Education, a motion may be moved without notice that the bill be restored to the *Notice Paper* at the stage it had reached prior to referral.

**Motion agreed to.**

*Documents*

**UNFLUED GAS HEATERS**

**Production of Documents: Order**

**The Hon. COURTNEY HOUSSOS:** I move:

That private members' business item No. 622 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (17:19:13):** I seek leave to amend private members' business item No. 622 by omitting all words after "That," and inserting instead:

under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution, in electronic and searchable format, the following documents in the possession, custody or control of the Department of Education or Minister for Education and Early Childhood Learning relating to unflued gas heaters in public schools:

- (a) a document listing all unflued gas heaters in all public schools in New South Wales, including the following details:
  - (i) the school name and the electorate it is located in;
  - (ii) heater installation date;
  - (iii) heaters that replace an existing unflued gas heater;
  - (iv) heaters that were installed in a new school or classroom.
- (b) a document listing all unflued gas heaters removed in all public schools in New South Wales between 1 January 2012 and 1 August 2020, including the removal date, school name and electorate; 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.

**Leave granted.**

**The Hon. COURTNEY HOUSSOS:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution, in electronic and searchable format, the following documents in the possession, custody or control of the Department of Education or Minister for Education and Early Childhood Learning relating to unflued gas heaters in public schools:

- (a) a document listing all unflued gas heaters in all public schools in New South Wales, including the following details:
  - (i) the school name and the electorate it is located in;
  - (ii) heater installation date;
  - (iii) heaters that replace an existing unflued gas heater;
  - (iv) heaters that were installed in a new school or classroom.
- (b) a document listing all unflued gas heaters removed in all public schools in New South Wales between 1 January 2012 and 1 August 2020, including the removal date, school name and electorate; 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.

During question time today I asked a question about harmful unflued gas heaters, which are banned elsewhere in Australia but not in New South Wales schools. There was quite a heated debate. The issue has been around for a very long time. In 2012 the Government promised to remove 48,000 unflued gas heaters from classrooms. I move this motion to seek an update on the progress of that work, eight years on. In response to a question on notice from me, the Opposition was told that the department does not have the information. I do not think that is good enough. We need to find out where these dangerous heaters are and what replacements are being done.

The only concession that the Minister for Education and Early Childhood Learning made in question time today was to say that unflued gas heaters are no longer being installed in New South Wales schools. That is just not good enough. This week Asthma Australia said that the chemicals released by unflued gas heaters are similar to car exhaust fumes. Those chemicals are going directly into the lungs of our children and young people across the State. This is an incredibly important issue. The Opposition is simply requesting a list of where the heaters are and where they are being installed. I commend the motion to the House.

**Mr DAVID SHOEBRIDGE (17:21:55):** The Greens support the Standing Order 52 call for papers. It is not in question that children's learning suffers when their classrooms are too hot, too cold or too smoky.

**The Hon. Courtney Houssos:** We have amended it.

**Mr DAVID SHOEBRIDGE:** Have you taken out Cooler Classrooms?

**The Hon. Courtney Houssos:** Yes. It was changed to unflued gas heaters.

**Mr DAVID SHOEBRIDGE:** We are deeply disappointed that the motion has removed references to the Cooler Classrooms Program. That is the danger of walking down the lift well once the matter has been called on. We are in the middle of winter. I recall unflued gas heaters from my time in public school classrooms. During winter—often in a demountable that leaked, smelled slightly of mould, and was stinking hot in summer and freezing cold in winter—we would gather around the unflued gas heater. We would also shrink down our chip packets to make them as small as possible, adding a noxious odour to the classroom in addition to the carbon monoxide. Although I was perhaps not aware of it at the time, my memory is that they were clearly a hazard to schoolkids. The fact that they are still there is quite genuinely a disgrace. There should be no unflued gas heaters in New South Wales. To all the kids watching I say: Do not do the chip packet thing.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (17:23:40):** That is a bit of a hard act to follow. I will not talk about chip packets. I will say that the Hon. Courtney Houssos and I have discussed this matter outside the Chamber, which is why the Government was happy to support the amendment and will not oppose the motion.

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

**Motion agreed to.**

## NSW POLICE FORCE

### Production of Documents: Order

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 643 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (17:25:19):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Communities and Justice relating to civil claims against police:

- (a) a list disclosing the total cost in each year from 2016 to 2019 of settling civil claims against police including matters relating to:
- (i) unlawful searches;
  - (ii) illegal arrest;
  - (iii) false imprisonment;
  - (iv) trespass;
  - (v) assault;

- (vi) harassment;
  - (vii) malicious prosecution; and
  - (viii) other civil liberties infringements or claims resulting from police misconduct.
- (b) a list disclosing the total cost in each year from 2016 to 2019 of court judgements for civil claims against police including matters relating to:
- (i) unlawful searches;
  - (ii) illegal arrest;
  - (iii) false imprisonment;
  - (iv) trespass;
  - (v) assault;
  - (vi) harassment;
  - (vii) malicious prosecution; and
  - (viii) other civil liberties infringements or claims resulting from police misconduct.
- (c) a list disclosing the following information relating to civil claims against police in each year from 2016 to 2019:
- (i) the number of civil cases brought against the NSW Police Force;
  - (ii) the number of civil cases settled;
  - (iii) the number of cases brought by current or former officers;
  - (iv) the number of cases brought by citizens; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Information about claims against police is a critical matter of public interest. It allows us to identify any patterns of police misconduct and behaviour that warrant changes to the law, police and procedure updates, or possible disciplinary actions against officers or those instructing them. If significant patterns in the data show, for instance, that the police drug dog program is involved in a large percentage of claims relating to illegal strip searches or other inappropriate conduct and that large payouts are made regularly, then there should be real, additional questions about whether that scheme is appropriate or fit for purpose. The data could also show situations where officer training fails to fulfil legal obligations or where standard operating procedures fail to provide police with sufficient guidance to protect them and the public.

That is why in this motion The Greens are seeking evidence of the amount that the NSW Police Force has paid in civil claims for tortious actions taken against police—both intentional and general torts—including unlawful searches, illegal arrest, false imprisonment, trespass, assault, harassment, malicious prosecution and other civil liberties infringements or claims resulting from misconduct. Those claims are defended using resources paid for by the public. Any settlements and costs are paid using taxpayer funds provided to the New South Wales police. Parliamentary oversight of the basic facts of those claims is both appropriate and necessary. In a large number of cases settlements are accompanied by non-disclosure agreements, which means that there is no publicly available information about the behaviour that is the subject of the settlement. It also means that policymakers and lawmakers in this place cannot make changes that the conduct suggests may be necessary.

Over the years The Greens have tried to get that data through many processes, including freedom of information applications or, as they are known in New South Wales, GIPAA—Government Information (Public Access) Act—applications. We have asked in budget estimates. We have put questions on notice. Our most recent questions provide a small insight into the attitude of the New South Wales police Minister towards the right to information about those claims. On 19 June 2019 we asked question on notice No. 209 about settlements involving civil cases in the NSW Police Force. We asked:

How much did the NSW Police Force pay in settlements relating to civil litigation involving alleged or actual police misconduct (for example illegal arrest, false imprisonment, trespass, assault, and other civil liberties infringements) ... ?

We requested information covering a number of financial years. The response was:

Claims against the NSW Police for compensation resulting in settlements or judgements are often multifaceted ... Accurate information cannot therefore be provided in response to these questions.

In other words, the NSW Police Force claims it does not know. On 4 December 2019 we asked question on notice No. 925, which was again about civil litigation against police for unlawful searches. We asked for the total cost to the NSW Police Force of defending civil claims against the force for unlawful searches in relevant years. The response was, to say the least, unhelpful. We were told:

As the relevant tort covers many situations which are not unlawful searches, this information is not available.

Again, the NSW Police Force claims it does not ask, does not gather data and does not know. We followed it up in budget estimates and asked via a question on notice about what the relevant tort was. We were told that those torts were assault, battery or the tort of false imprisonment. We then asked how many cases the Police Force settled in 2019 under that tort and how much it cost. Members will be surprised to know that we were told the question was not able to be answered. On 27 April 2020 we asked question on notice No. 1286 about civil cases brought against police, asking for the total cost to the NSW Police Force of defending civil cases brought against the force in relevant years. The response then was, "As this data is not held centrally, this information is not available". In other words, again we are told that they do not know or they claim that they do not know.

The NSW Police Force claims not to know how much police misconduct costs, how much it pays in settlements or unlawful searches or how much it pays in relation to civil claims generally. If that is true, it speaks of an alarming approach to civil settlements and damages paid by the organisation. That speaks of an organisation that is failing to identify patterns and properly manage the overall liability of the force. That is legally, economically and socially untenable from a public agency that receives billions and billions of dollars each year. That is why we have been forced to move this motion. I am aware that the Minister often says, "What have you done before? Don't jump to an SO 52". That is why we are here; that is why we are pressing for the Standing Order 52 call for papers. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:30:22):** I acknowledge the extensive submissions made by Mr David Shoebridge in making his case for the production of documents. The Government seeks to amend the motion. I understand that discussions have been held with Mr David Shoebridge. I move:

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

under Standing Order 52, there be laid upon the table of the House:

- (1) within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Communities and Justice or the NSW Police Force relating to civil claims against police:
  - (a) a list disclosing the total cost in 2019 of settling civil claims against police including matters relating to:
    - (i) unlawful searches;
    - (ii) illegal arrest;
    - (iii) false imprisonment;
    - (iv) trespass;
    - (v) assault;
    - (vi) harassment;
    - (vii) malicious prosecution; and
    - (viii) other civil liberties infringements or claims resulting from police misconduct.
  - (b) a list disclosing the total cost in 2019 of court judgements for civil claims against police including matters relating to:
    - (i) unlawful searches;
    - (ii) illegal arrest;
    - (iii) false imprisonment;
    - (iv) trespass;
    - (v) assault;
    - (vi) harassment;
    - (vii) malicious prosecution; and
    - (viii) other civil liberties infringements or claims resulting from police misconduct.
  - (c) a list disclosing the following information relating to civil claims against police in each year from 2016 to 2019:
    - (i) the number of civil cases brought against the NSW Police Force; and
    - (ii) the number of civil cases settled.
  - (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

- (2) That, under Standing Order 52, there be laid upon the table of the House within 60 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Communities and Justice or the NSW Police Force relating to civil claims against police:
- (a) a list disclosing the total cost in each year from 2016 to 2018 of settling civil claims against police including matters relating to:
    - (i) unlawful searches;
    - (ii) illegal arrest;
    - (iii) false imprisonment;
    - (iv) trespass;
    - (v) assault;
    - (vi) harassment;
    - (vii) malicious prosecution; and
    - (viii) other civil liberties infringements or claims resulting from police misconduct.
  - (b) a list disclosing the total cost in each year from 2016 to 2018 of court judgements for civil claims against police including matters relating to:
    - (i) unlawful searches;
    - (ii) illegal arrest;
    - (iii) false imprisonment;
    - (iv) trespass;
    - (v) assault;
    - (vi) harassment;
    - (vii) malicious prosecution; and
    - (viii) other civil liberties infringements or claims resulting from police misconduct.
  - (c) a list disclosing the following information relating to civil claims against police in each year from 2016 to 2019:
    - (i) the number of cases brought by current or former officers; and
    - (ii) the number of cases brought by citizens.
  - (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Subject to the amendment, the Government will support the motion.

**The Hon. JOHN GRAHAM (17:35:15):** I speak on behalf of the Opposition. The Opposition will support the motion and the Government amendment. I understand that the amended motion may be more broadly acceptable to the House. I make two observations. One is that Mr David Shoebridge in moving the motion speculated about what the data might show. The Opposition does not seek to do that. We will examine the data on the face of it. The Opposition will welcome any evidence that is brought to bear on the matter. Secondly, Mr David Shoebridge outlined the extensive work done to obtain the information, which is much to the member's credit and is very useful for the House. If the member has gone to those lengths to obtain the information and it has not been made available, certainly he has built the case that the police Minister's office has been unhelpful in this instance. I welcome the fact that the Government has been able to find a way to work with the member on the matter.

**Mr DAVID SHOEBRIDGE (17:36:28):** In reply: I am always anxious about any amendment that begins, "omitting all words after 'that'". Having said that, we have had extensive discussions today about this matter. Hopefully the information provided will be extremely helpful. It may not be the last time The Greens raise this matter. On that basis, The Greens will accept the Government amendment.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** Mr David Shoebridge has moved a motion, to which the Hon. Damien Tudehope has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Motions***PHARMACY MENTAL HEALTH SERVICES**

**The Hon. WES FANG:** I move:

That private members' business item No. 607 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. WES FANG (17:38:30):** I move:

- (1) That this House acknowledges that:
  - (a) in regional New South Wales pharmacists are a trusted and often key health professional;
  - (b) the Government is supporting the NSW Branch of the Pharmacy Guild of Australia to train community pharmacists in regional New South Wales to identify and assist local community members with mental health issues; and
  - (c) the guild will deliver face-to-face and online training through 100 workshops to over 5,000 pharmacists and staff across regional New South Wales.
- (2) That this House thank the Pharmacy Guild of Australia for their work and support in developing training to upskill their members in mental health training. I am pleased to move this motion which recognises the work of our local pharmacists as key health professionals in our communities. The start to 2020 has tested us as a State. The ongoing drought, COVID-19 and most particularly the summer bushfires have had an enormous impact on regional and rural communities in New South Wales. We know those communities are doing it tough.

The Government is doing all it can to help regional communities, which includes extending the Emergency Drought Relief Package, with \$310 million allocated to drought relief in 2021. That package includes \$11.93 million for mental health support. I was pleased to join my Nationals colleague the Hon. Bronnie Taylor, the mental health Minister, in my home town of Wagga last month to announce \$1 million for mental health training programs for rural and regional community pharmacists. The tailored training to be provided through the program will build the confidence and skills of community pharmacists across our drought-affected regions, helping them to recognise and respond to people in distress and to people with mental health conditions such as depression and anxiety. Of particular importance is the emphasis this training will place on mental health issues associated with traumatic events, men's mental health and, importantly, suicide prevention.

More than 5,000 pharmacists will receive training through the program, ensuring that people in our communities who are showing signs of distress or mental illness are treated with care and referred to local mental health services where appropriate. Pharmacists are often the first people to realise when somebody is not having a good day and this training will equip them with the tools and knowledge to support their community, from immediate care to finding the most appropriate specialist service. Whilst many younger citizens can access online mental health support, many senior members of our communities rely on talking to a trusted, friendly and familiar voice. We know that 40 per cent of people who attempt to take their own life are not known to a health service. With this training, we are giving those in distress another avenue to talk to someone and to get professional assistance. This Government is constantly working and investing in mental health services for our communities.

The New South Wales agriculture work health and safety sector plan identifies mental health as one of its 12 priority areas based on stakeholder consultation. Given so many people are now working in isolation and experiencing financial stress, it is vital we continue to engage and proactively address mental health in our communities. I announced this program with the Hon. Bronnie Taylor and Deputy Premier John Barilaro in the local Northside Pharmacy in Wagga. It was great to speak to not only representatives from the pharmacy guild but also pharmacists about how important they feel this government-funded training is. They were excited because it would allow them to provide an additional service to their communities. It shows the value of pharmacists in rural and regional communities and, in particular, the value of having parties in Government such as The Nationals, which is focused on regional communities. We must always remember that it is okay to not be okay.

**The Hon. TARA MORIARTY (17:43:47):** On behalf of the Opposition I indicate our support for the motion. We welcome any additional support from the Government for mental health services in New South Wales, particularly in regional New South Wales. The truth is, there are not nearly enough mental health services or support across the State. People in regional New South Wales face particular challenges and have a general lack of much-needed services. We support further support for and the formal recognition of pharmacists and the work they do regarding mental health in their local communities. Pharmacists are trusted key health professionals, especially in regional New South Wales. They are accessible and well placed to identify issues and refer people to the services and support that they may need but may not otherwise have access to. We encourage the support offered to the New South Wales branch of the Pharmacy Guild of Australia to train community pharmacists in

regional New South Wales so that they can identify mental health issues early on and assist members of their local communities.

I note that the recent announcement of this program is a variation of a commitment that the Government made almost a year ago. It is very welcome, but it is about time it was delivered. We acknowledge and thank the Pharmacy Guild of Australia for its work in developing training to upskill its members in mental health training. That credit goes to the guild and its members, who provide important services to their communities. We welcome any and all support for mental health services in New South Wales. Although it is a very welcome program, it is not enough. There is a desperate need for more services in regional New South Wales and everywhere, and we call on the Government to do much more. We thank our pharmacists in regional New South Wales for taking on this role.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:45:55):** Earlier today in response to a question the Minister gave a very articulate reply about the mental health strategy being adopted statewide, which she strongly supported because of the growing incidence of mental health issues in the community. Part of that strategy is this program, which seeks to ensure that community members are trained in mental health issues and are able to identify and assist in the delivery of mental health outcomes. Having people in the workplace who understand and empathise with mental health issues is an important part of that strategy. The program identifies pharmacists as an important component in the delivery of a potential first line of contact with people experiencing mental health issues because they are trusted people in the community.

My brother and sister are pharmacists so I know firsthand the level of conversations pharmacists often have with people who may have come from a consultation with a doctor, potentially discussing mental health. The level of understanding that pharmacists bring to the community is an important component of what they do. I take up one thing that the Hon. Wes Fang said. The Nationals are committed to regional New South Wales, but so is the Liberal Party. Let us not be under any misapprehension. This is a whole-of-government approach and both sides of the Coalition are committed to a regional mental health strategy. We are all in this to make sure that we can deliver mental health incomes. We support the outstanding mental health Minister and I thank the Hon. Wes Fang for moving the motion before the House and for his interest in community pharmacies. It is an important part of the strategy adopted by the Minister and I thank her for the program.

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (17:48:44):** I thank Minister Tudehope for his contribution. I also thank the Hon. Tara Moriarty, the shadow Minister for Mental Health, for her support of the program. I am excited about this program because pharmacists are some of the most underutilised professionals in rural and regional New South Wales. Often when you are unwell or not feeling right and you cannot access a GP service, you go to your pharmacist, because you know them. You may have known them all your life. They know your parents, they know your grandparents and they probably know your kids.

Pharmacists play an absolutely integral role in our communities. They also work closely with our GPs, who are the main providers of mental health services in rural and regional New South Wales and who are critical to the service coordination we need. I have wanted to establish this training program for quite some time. I am really excited to have the opportunity to do so as the Minister responsible for mental health in New South Wales. This important program is part of the \$11.93 million boost to our Emergency Drought Relief Package for mental health, which is not only for pharmacists, but also for pharmacy staff as well. That is really important, because pharmacy staff play a critical role in the delivery of health services.

More importantly, they know their communities. They have known Mrs Jones for the past 30 years. They have been providing her with her prescriptions, they have been looking after her asthma management plan and they looked after her ulcer that developed on her lower ankle. They also know that she may not be having a great day and has not been herself the last couple of times that she has come in. The program allows staff the opportunity to highlight that there might be an issue, to offer help and to encourage her to put up her hand. They may then refer Mrs Jones to local services in the community. This will be a really terrific program. I think of particular importance is the emphasis this training will place on mental health issues associated with traumatic events in men's mental health and ultimately in suicide prevention, which honourable members spoke about a great deal in question time today.

More than 5,000 pharmacists will receive training through the program, ensuring people in our communities who are showing signs of distress or mental illness are treated with care and are referred to local mental health services where appropriate. This training program for our community pharmacists is one more way to make sure that we are all okay. It is really important to note that I have had a great relationship with the pharmacy guild, as I am sure other members do. The guild represents an incredible profession, which is highly trained and highly skilled. The guild has actually reached out to this program as well, because many pharmacists are doing the training already and many of them have mental health rooms where they can talk to people in a

quiet, controlled environment. That is a really important factor that I am really excited about. I thank the Hon. Wes Fang for moving this motion. This is another great initiative in mental health from the New South Wales Government.

**The Hon. SAM FARRAWAY (17:51:56):** It has been a particularly tough year for rural and regional communities across New South Wales due to COVID-19, the bushfires, flooding in certain areas and the ongoing drought. As we have heard from members, pharmacists want to be part of the broader effort to support people with mental illness and to tackle the stigma in their local communities. Pharmacists and pharmacy staff, especially in rural and regional areas, are often the first people who come into contact with people who are experiencing poor mental health. That is why the New South Wales Liberal-Nationals Government has provided \$1 million towards the mental health training program for rural and regional community pharmacists. Mental health issues like depression increase with other chronic health conditions, and pharmacies are a great safe space for people with mental health issues.

Pharmacists often work in close collaboration with doctors and community mental health services. More than 5,000 pharmacists will receive training through the program, ensuring that people in our communities who are showing signs of distress or mental illness are treated with care and are referred to a local mental health service where appropriate. The training will be run by the NSW Branch of the Pharmacy Guild of Australia, as we have heard today, which is a very proactive organisation. Pharmacists who have completed the training will display a "mental health safe space" sticker in their pharmacy. It was great to hear the previous contributions from the Hon. Bronnie Taylor and the Hon. Damien Tudehope on the great initiative that the Government has delivered. I commend the Pharmacy Guild of Australia, because it is very proactive in this space and its members are very good people for any government to work with. I thank the Hon. Wes Fang for moving this motion today. I commend the motion to the House.

**The Hon. Bronnie Taylor:** Are you going to talk about The Nationals?

**The Hon. MATTHEW MASON-COX (17:54:16):** No, I try not to talk about The Nationals these days. Its members are such a disappointment. I am very pleased to support this motion, rather than some of the other activities that have been happening in regional New South Wales of late. Our community pharmacists provide a wonderful service. Indeed, as a member of a regional community, along with other members in this place—though there are not many from the other side, but there may be more in future—it is very important to acknowledge the wonderful role that our pharmacists play. Indeed, during COVID-19 their very important role has been enhanced, particularly for the most vulnerable members in the community. With those few words, I support the motion. The Hon. Wes Fang has done a very good thing in bringing forward the motion and in offering the insights he provided to the House.

**The Hon. WES FANG (17:55:22):** In reply: I thank the members who have contributed on the motion, including the Hon. Tara Moriarty, the Hon. Damien Tudehope, the Hon. Bronnie Taylor, the Hon. Sam Faraway and the Hon. Matthew Mason-Cox. This is a very important motion, particularly at this time. For members who live in rural and regional communities, or even for those of us who empathise with rural and regional communities, we know that the provision of health care is vitally important. It was great to have David Heffernan from the pharmacy guild in Wagga Wagga for the announcement of the program.

The training this will provide to pharmacists is so important to the communities in which I and other members in this House live. Two wonderful pharmacists, Kellie Halloran and Matt Ward from Northside Pharmacy, spoke at the announcement about how important this will be to them and what this provision will provide to the community. I commend the motion to the House. I look forward to seeing the results of this partnership between the New South Wales Government and the pharmacy guild in making a greater difference to the lives of rural and regional people across the State of New South Wales, particularly in the challenging times that we face.

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

**Motion agreed to.**

#### *Documents*

### **WESTERN HARBOUR TUNNEL AND BEACHES LINK**

#### **Correspondence**

**The PRESIDENT:** According to the resolution of the House of Thursday 18 June 2020 and the explanation provided to the House by Minister Harwin on Tuesday 4 August 2020, I table correspondence, together with an index, concerning the provision of documents entitled *The strategic business case: Western Harbour Tunnel and Beaches Link (redacted)*, and *Final business case: Western Harbour Tunnel and Beaches*

*Link (redacted)*. The correspondence notes that the Government has decided to produce the documents "on a voluntary basis". The index indicates the status of both documents as "confidential – not for public inspection".

I note that in June 2018, when business cases for the Sydney stadiums and Powerhouse Museum were produced on a similar basis, the House subsequently clarified its position that the documents had in fact been produced and received under Standing Order 52, and were therefore treated as such. In the absence of any such resolution of the House in this matter, these documents will be treated as confidential and are available for inspection by members of the Legislative Council only.

## WATER INFRASTRUCTURE

### Production of Documents: Order

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 636 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (17:59:22):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, that are not otherwise publically available, created since 1 January 2017 in the possession, custody or control of the Department of Planning, Industry and Environment, Water NSW or the Minister for Water, Property and Housing:

- (a) for each of the following infrastructure projects: Menindee Lakes Project, Wyangala Dam Wall Raising, Upper Mole River Dam, Dungowan Dam, and Macquarie River Re-regulating Storage:
  - (i) any draft business case;
  - (ii) any final business case;
  - (iii) any feasibility study;
  - (iv) any hydrological modelling report;
  - (v) any modelling assessment report;
  - (vi) any scoping study;
  - (vii) all capital investment, economic, socio-economic or environmental impact reports; and
  - (viii) any tender document or contract with WaterSecure.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I indicate to members that this is pretty straightforward. Billions of dollars have been put on the table by the Commonwealth and New South Wales governments for new water infrastructure, new dams, raised dams, re-regulating storages et cetera. This call for papers seeks to make public the fundamental justification for those projects. The Government has badged them as a drought response and an answer to regional water security. But there is very little information about that available on the public record to date. Many of these projects were flagged in October last year in a joint Commonwealth and State announcement. It is not unfair to describe them as seemingly being cherry-picked from the 2018 WaterNSW 20 Year Infrastructure Options Study. The option study foreword states:

This Options Study will continue to evolve over the next two years with appropriate customer consultation to inform future infrastructure planning and pricing submission processes.

What has happened to any of that? Nothing. The options paper was not specifically about water security for towns. It was as much, if not more, about industrial and agricultural water customers. If the idea is to expand water use, particularly in the Northern Basin where much of this infrastructure is based for irrigation and industry, the communities across the basin need to know about that now. No business cases are available. Some of those projects are due to commence within months and have little information publicly available, especially in terms of their feasibility to commit to the Government's intention of delivering water security to towns.

I am not making a judgement about any specific project. My case is that the expenditure of billions of dollars of public money should be transparent and justified. I consumed a fair bit of this House's time a couple of years ago pursuing the release of the Broken Hill pipeline business case. The Government steadfastly demanded that this \$500 million project was about water security for Broken Hill, despite the fact that many in the community around Broken Hill did not want it. They did not want the cost and they did not want the risk that it would be used as a justification to decommission the Menindee Lakes. Those lakes provided water security for the town for many years until over-allocation in the Northern Basin made the reliability of the lakes more of a concern. And what did we find out when the business case was eventually released, after the pipeline had been

built and half a billion dollars had been expended on it? At the time that the business case was released *The Guardian* wrote an article, stating:

The New South Wales Government made almost no effort to evaluate the impacts of the pipeline on the lower Darling and instead put weight on how the pipeline would help the cotton industry upstream and mining ventures along the pipeline route.

I am asking members that we not allow what happened with the Broken Hill pipeline to happen again. Let us start this process now. This Government has a history of secrecy when it comes to major water infrastructure. Regardless of members' views about the projects, the community deserves to make a judgement based on the facts. I commend the motion to the House.

**The Hon. BEN FRANKLIN (18:03:27):** The current drought has again highlighted that without dams and infrastructure such as weirs and pipelines a number of our rivers in the Northern Basin would have run dry two years ago. For instance, flows in the Peel River from the end of 2016 would have provided only a local flow in sections of the river and not provided connectivity along the whole river. It certainly would not have provided enough water for 60,000 people to survive, let alone ensure the survival of businesses and jobs. More than \$2 billion is being provided by this Government to support primary producers, businesses and communities. The New South Wales Government has also committed more than \$275 million in funding emergency water infrastructure and water carting to maintain and extend water supplies to drought-impacted communities.

We have invested in pipelines across the State to connect towns to more reliable water supplies including, as the member has mentioned, the \$470 million Broken Hill pipeline, without which Broken Hill would have run out of water. We have invested in bores across the State to improve towns' access to precious groundwater, including \$30 million for Dubbo to improve their access to nearby groundwater which will be a lifeline for the 50,000 people in the community during more periods of drought. These are just some of the ways that we are preparing New South Wales for future droughts while ensuring we get through this one. We are proud of the fact that we are building dams for the first time since 1987 and providing water security for our regions through our water infrastructure building boom. We do not oppose this motion.

**The Hon. PENNY SHARPE (18:05:13):** I lead for the Labor Opposition on this motion. This is a very straightforward Standing Order 52 concerning billions of dollars of public expenditure on one of the most important issues that we need to confront in this State, which is water, water security and how we care for the environment so that it can feed us as we live on it and so we can continue to live on one of the driest continents on earth. We support this motion rather than oppose it. We are very pleased that it is being moved and we look forward to reading the papers.

**Ms CATE FAEHRMANN (18:05:54):** The Greens also support this motion. I thank the Hon. Ben Franklin for his very strong speech in support of the National Party's dams ambition. It is a shame that the Government—and by the Government I mean the National Party—has not come forward to support those dams in the strong way that the Hon. Ben Franklin just did by offering a business case, a feasibility study and everything else that is needed to support those projects that the National Party suggests are going to be so great for regional New South Wales. But we know that dams for regional New South Wales are not the answer right now. Lots of regional communities are talking about rain. Dams will not make it rain in regional New South Wales. Rainfall decreased across south-west Australia last year. It is predicted that rainfall will decrease right across southern Australia. This is all about big-ticket solutions for the National Party to keep its big irrigator mates in the Northern Basin happy at the expense of downstream communities and the environment.

One example is the raising of the Wyangala Dam wall, which many downstream communities are incredibly distressed about. The National Party is not aware of this, but it is not just about the Northern Basin in terms of providing water for all of New South Wales, given the influence of the NSW Irrigators' Council on some of the decisions that the Northern Basin is all there was. The Wyangala Dam downstream impacts will include loss of natural flows to nine nationally important wetlands listed under the Directory of Important Wetlands in Australia. Fish species listed as endangered under the Environment Protection and Biodiversity Conservation Act will also be impacted. As I said, end of system water users, stock and domestic licence holders are incredibly frustrated at not being consulted. They will be hugely impacted. If the National Party is so proud of those dams, which are an inherently bad idea, then it should be supporting this motion, bringing out the draft business case and saying, "Hey ho, here we go!"

**Mr JUSTIN FIELD (18:09:02):** In reply: I commend this dam motion to the House.

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

**Motion agreed to.**

**SOUTH EAST SYDNEY INTEGRATED SERVICE PLAN****Production of Documents: Order**

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

That private members' business item No. 597 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (18:10:18):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Transport for NSW or the Minister for Transport and Roads:

- (a) the South East Sydney Integrated Service Plan as referred to in Government Information (Public Access) Act 2009 application number 20T-0973; 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 motion concerns information that was sought by my parliamentary colleague the member for Coogee, Dr Marjorie O'Neill, in relation to public transport in her electorate, particularly information regarding buses. She sought the information by way of the Government Information (Public Access) Act [GIPAA] for the *South East Sydney Integrated Service Plan—Draft Service Concepts Report*. She made the application on 24 June. She received a response from the Government refusing the application but the reasons for its refusal were very instructive. Essentially, the concern was that the release of the information would impact the project's procurement process as it would reveal information before a decision had been made. This occurred in the context of leaked information that was published *The Sydney Morning Herald* about an alleged apprehended cut to bus services.

Not unreasonably, in trying to represent the best interests of her community, Dr O'Neill tried to acquire information about where the Government was up to and what was being considered. The substance of the refusal was that disclosure of the information at this time may cause commuters to "become disgruntled" and to make complaints to drivers on the bus routes about apprehended cuts to services. Significant weight was given by the decision-maker to public interest considerations against disclosure:

... as the impact of the release of the information is likely to affect the functions of TfNSW to plan for future transport options, carry out procurement processes and determine the standard working timetable.

That sounds reasonable, but in the context of the GIPAA decision it is quite clear that there are apprehended cuts to services. There is a document that outlines what the agency is thinking and the consultations it is having. The decision-maker does not want Dr O'Neill to get hold of this information because it might lead the community to become concerned. It may impact the implementation of whatever decision the Government is going to make. The substance of the decision is a calculated one: to impair a member of Parliament advocating for the community that she was duly elected to represent because the Government does not want the public to know what it is thinking because they might rise up and agitate. A public debate might influence the outcome rather than people just sitting back and waiting to see whatever the Government decides.

**The Hon. Damien Tudehope:** There are other interpretations.

**The Hon. ADAM SEARLE:** I acknowledge the interjection, and no doubt the member will enlighten the Chamber about that. The interpretation that I submit to the Chamber is one that is inherently antidemocratic in impairing Dr O'Neill's electoral mandate to represent the interests of her community. It is undemocratic because the public is entitled to know what agencies may be thinking about the provision of basic services so that they can interact with it in a meaningful way and try to influence the course of the Government's thinking through a process of dialogue. The community has a right to know and a right to be included, not just a right to be told at the end of the process what they are going to get. We seek the documents through Standing Order having exhausted the GIPAA process and short of going to the NSW Civil and Administrative Tribunal. I would ordinarily think twice about bringing a motion like this, save for the reasons that the decision-maker had for refusing the application, which I think were unwise, unwarranted and inherently undemocratic. Let us shine some light on this deliberation and see what all the fuss is about.

**The Hon. SCOTT FARLOW (18:15:13):** Let the light shine in! The Government objects to the Standing Order 52 motion in the name of the Hon. Adam Searle in relation to the south-east bus plan. Customer demand for public transport in Sydney's south-east has grown significantly in recent years, and the New South Wales Government is currently developing a new integrated south east light rail and bus plan. The new plan will provide much-needed capacity for those travelling into and out of the Sydney CBD. The New South Wales Government will release its plan in due course for how customers will move around the local area and travel between major hubs such as Central and other destinations in the south-east. The proposed changes will be based on contemporary

travel patterns from long-term Opal data and cater for projected growth. Feedback will be sought from customers to inform the final plan before its implementation.

The document requested under the Government Information (Public Access) Act 2009 is a draft working document developed during the stage of discussion, designed to inform internal stakeholders on broad concepts and how the service plan may be implemented in the future. Releasing the information would give a different concept and design to that being created for community consultation. It could potentially have people providing feedback on the wrong document, causing grief and concern and additional work, which impacts on the project. The document may indicate particular action to be taken by Transport for NSW to implement changes to bus services. However, as the final plan has not been prepared, those actions may or may not be taken. Release of the document at this stage would be very premature and would include details that may not take effect or become part of the final plan.

The document is commercially sensitive as the information being sought would impact the procurement process for Bus Region 9 as information would be revealed prior to the formulation of a request for tender. The release of the draft document could provide details to individuals that may expose them to an unfair disadvantage as they may provide feedback on a concept that is not what will be published generally for consultation. Similarly, bus operators may start to consider current and future routes based on inaccurate details. The document also contains information that would usually only be provided under confidentiality agreements with prospective tenderers. The New South Wales Government is working to prepare the new integrated south east light rail and bus plan, which will be released to customers for feedback before the final plan is implemented. Based on early modelling, a combined new bus and light rail network will deliver increased capacity of over 30 per cent in the morning peak from 7.00 a.m. to 9.00 a.m. for those heading into the CBD.

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

**The House divided.**

Ayes .....22  
Noes .....16  
Majority.....6

**AYES**

Banasiak  
Buttigieg (teller)  
Faehrmann  
Hurst  
Mookhey  
Primrose  
Secord  
Veitch

Borsak  
D'Adam (teller)  
Field  
Jackson  
Moriarty  
Roberts  
Sharpe

Boyd  
Donnelly  
Graham  
Latham  
Pearson  
Searle  
Shoebridge

**NOES**

Amato  
Farlow  
Harwin  
Martin  
Nile  
Ward

Cusack  
Faraway (teller)  
Khan  
Mason-Cox  
Taylor

Fang  
Franklin  
Maclaren-Jones (teller)  
Mitchell  
Tudehope

**PAIRS**

Houssos

Mallard

**Motion agreed to.**

*Bills***GAS LEGISLATION AMENDMENT (MEDICAL GAS SYSTEMS) 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. Damien Tudehope.**

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

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

*Documents***AUSTRALIAN NATIONAL BABOON COLONY****Production of Documents: Order**

**The Hon. EMMA HURST:** I move:

That private members' business item No. 621 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. EMMA HURST (20:00:51):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2015 in the possession, custody or control of Regional NSW or the Minister for Agriculture and Western New South Wales relating to the Australian National Baboon Colony at Wallacia, New South Wales (the Facility):

- (a) a document listing the current number and species of animals held at the facility;
- (b) all documents recording details of research conducted on animals at, or obtained from, the facility;
- (c) all documents recording the fate of animals at, or obtained from, the facility subjected to research;
- (d) all documents disclosing funding or other financial support provided to the facility;
- (e) all licences, permits, accreditations and approvals issued to the facility, or to any other person or organisation for the purpose of conducting research on animals obtained from the facility, under the Animal Research Act 1985 and its accompanying regulations;
- (f) all documents recording any revocation, suspension or other disciplinary action taken in respect of the facility, or any other person or organisation in relation to research conducted on animals obtained from the Facility, under the Animal Research Act 1985 and its accompanying regulations;
- (g) all documents recording the results of any audits or inspections of the facility, or any other person or organisation in relation to research conducted on animals obtained from the facility by the Department of Primary Industry or the Animal Research Review Panel;
- (h) all records of complaints received regarding the facility, or any other person or organisation in relation to research conducted on animals obtained from the facility, including all records concerning any action taken in response to those complaints by the Department of Primary Industries, the Animal Research Review Panel or any other body;
- (i) all records of any investigations undertaken in respect of the facility, or any other organisation in relation to research conducted on animals obtained from the Facility, by the Department of Primary Industries, the Animal Research Review Panel or any other body; and
- (j) 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.

Today I am seeking the production of documents concerning the Australian national baboon colony in Wallacia, New South Wales, a facility where baboons are bred and held for research purposes before being rented out to hospitals and research institutions, where most experiments are conducted. I wish I could tell members more about the facility but, apart from a few public incidences, I cannot. That is because this tax-funded facility has been shrouded in intense secrecy. Previous media investigations have observed that information about the colony is difficult, if not impossible, to find. We do not know how many baboons are held in Wallacia, what types of

experiments are being performed on the baboons or how many of the animals have been tortured, killed or died in the name of experimentation.

We do know that the facility is funded by taxpayers—at least in part by the Sydney Local Health District—but we do not know how much the Government is providing, despite questions about this at recent budget estimates. In 2016 Fairfax media conducted a six-month investigation and discovered that "Frankenstein-like surgical experiments"—known as xenotransplantation—were being undertaken on primates using taxpayer money. When subjected to a freedom of information request, NSW Health denied that any such experimentation was taking place. The facility came to public attention again in early 2020, when three baboons from the colony escaped while being transported to the Royal Prince Alfred Hospital. We do not know what experiments had previously been performed on the baboons over the many years they were available to rent for research.

The incident shocked the public, many of whom were not even aware that primates are still being experimented on in Australia. A community campaign dubbed "Free Alfred" quickly took off, seeking to have the three baboons released from captivity. I can understand why people were shocked, given the lack of transparency surrounding the Wallacia facility and the seemingly concerted effort by the Government to keep the research under the radar. It leads to the obvious question: What does it have to hide? Baboons are highly intelligent animals with well-developed social structures. They have a 94 per cent genetic similarity to humans, which is why they are often used in experiments. This similarity also leads to serious ethical and moral questions about whether we should be treating these sentient animals as mere experimental subjects.

Attitudes towards animal experimentation are rapidly changing, as is the science. New research is showing that animals, including primates, are not good research models for predicting outcomes in humans. There is also an increasing number of humane alternatives to animal testing, such as computer and cell-based modelling. The people of New South Wales are no longer content for taxpayer-funded animal experimentation to take place hidden away behind closed doors without any transparency or scrutiny. As the ones funding the research, they have a right to know how their money is being spent. If there is nothing to hide then there should be no issue in producing the documents.

**The Hon. MARK PEARSON (20:04:07):** I speak briefly in support of the motion for the production of these papers. As my colleague the Hon. Emma Hurst said, if the public are funding activities in a hidden place where the animals are invisible and every time a door is opened or a picture or a video is produced there is shock and disbelief that we could possibly be treating primates that are so close to us genetically—let alone other animals—in this manner, then we have a right to know. Not long ago it was discovered that baboons were being supplied for xenotransplantation experiments from this same facility. Xenotransplantation is basically where an organ is grown in one species and then moved to another species. In this case a liver was grown in a pig then transplanted into a baboon and both died. It was a disaster.

A colleague from many years ago did a lot of research into this new type of experimentation. He told me the real tragedy of xenotransplantation is that hundreds, even thousands, of animals are disposed of because they are born without the right genetic make-up for the pure clinical experiment. This toll of misery and suffering must be exposed. We must be able to see what is going on to ensure that the community understands a lot of their money is being spent on these experiments. It would be unconscionable for the Government in this House not to allow us to open the door and at least read and try to get our heads around what is going on in this facility for the benefit of the community, because it is their right to understand. I support the motion wholeheartedly.

**The Hon. SAM FARRAWAY (20:06:17):** I cannot believe I am standing in this place talking about baboons, but we are talking about baboons. The Government does not support the motion. The manner in which Standing Order 52 motions are being used is disappointing, to say the least. They are increasingly being used not to serve a greater public good, but merely as a fishing expedition to target individual businesses or facilities that in some way represent a different point of view. The Wallacia baboon facility is not a secretive facility; it is a stringently controlled research facility. It is not something from horror film *The Vigil*. More importantly, all animal research establishments in New South Wales that house primates must comply with the National Health and Medical Research Council guidelines for non-human primates for scientific purposes. Animal welfare is an issue the New South Wales Government takes very seriously.

In New South Wales the use of animals for research and teaching is regulated by the Animal Research Act 1985 and regulation, which set out stringent requirements to protect animal welfare. All animal care and use in research must comply with the *Australian code for the care and use of animals for scientific purposes*—known as the Australian Code. Research establishments must be accredited under the Act and all research must be carried out under the approval and monitoring of an establishment's animal ethics committee. Where establishments or individuals are found to be in contravention of those requirements, penalties are almost \$18,000—\$17,600, to be precise—and 12 months' imprisonment can also apply. Establishments are audited once every four years, or sooner if a complaint is received. The required membership of animal ethics committees is set out in the Australian

Code and must include a veterinarian, a researcher, an animal welfare representative and an independent representative.

Each application to the animal ethics committee to use animals in research must include detailed information, including justification for the use of animals, as well as the impacts of all parts of the research project on the animals and how the impacts will be minimised. Accredited research establishments are audited for compliance by veterinary inspectors from the NSW Department of Primary Industries and the Animal Research Review Panel—a 12-member, ministerially appointed body under the Act that includes scientific and animal welfare representatives. Moreover, it is rather ridiculous that my colleague the Hon. Emma Hurst is calling for papers as though she has no knowledge of this facility when, in fact, she is very familiar and comfortable with it. In fact, the member who has brought— [*Time expired.*]

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Before I call Ms Abigail Boyd, the Hon. Mark Pearson made numerous interjections during the contribution of the Hon. Sam Faraway. The Hon. Mark Pearson was allowed to make his contribution in silence. I like robust debate, as do all members in the House, but let us conform to the standing orders on decorum.

**Ms ABIGAIL BOYD (20:09:47):** On behalf of The Greens, I support the motion put forward by the Hon. Emma Hurst. I thank her for moving the motion and for continuing to help keep the animal welfare issues that our community are interested in on the agenda in this place. I am glad to talk about baboons and their welfare. I would love to know the final sentence from the Hon. Sam Faraway, but unfortunately his time had expired. If it had something to do with animal welfare activists needing to find out for themselves what is happening at those facilities, then that underlines the rationale for the motion. The public deserves to know what is being done with public money. We have seen time after time that the Government is out of step with community attitudes on a number of critical areas in animal welfare.

Community attitudes about what is and is not acceptable in medical research have moved on. Medical research and medical researchers have moved on. Other countries are investing in research solutions that do not involve baboons and other primates. Greater transparency over medical research such as this will allow the community to better assess whether the research is in line with community expectations. It is a shame that the Government could not provide the information through the budget estimates process or through the various questions on notice that The Greens have asked. Hopefully this order for papers will elucidate what is happening in the facility.

**The Hon. PENNY SHARPE (20:11:51):** Labor supports this call for papers. I will make a couple of comments on the motion itself and on the contribution made by the Hon. Sam Faraway. First, it does all of us a disservice when accusations are made in the House that somehow it is unreasonable for elected members to seek to have documents revealed by the Government. That is one of the most important responsibilities we have as a House of review. That is the core business for members of the Animal Justice Party in particular, who were democratically elected to look after animal welfare issues. That is the constituency that the Animal Justice Party represents. There is also a much broader constituency that is concerned about the welfare of animals in the State, so it is perfectly reasonable for them to pursue this call for papers.

Let us also remember that the Animal Justice Party pursued the issue diligently through questions on notice and the budget estimates process. Government members must be wary of what Ministers hand them in relation to such matters; it is the responsibility of all members to do so. No-one is abusing the call for papers, of which there have been many today. It is absolutely legitimate for every member in this place to raise the issue. That is one of the reasons Labor supports this call for papers. Secondly, the Hon. Emma Hurst is asking for very specific documents. This is not a fishing expedition; it is about trying to find information on a facility that has public money going into it. That is not an unreasonable request. In fact, we all have that duty if we cannot get answers from the Government in the first place.

Finally, the issues around animal welfare and research are complex and deeply challenging for many people. They force us to think about ethics and how we can move science in the State to help save lives. Not all of us will agree on where we end up in such matters, but it is in the public interest to have openness and transparency around it. All members who care deeply about the welfare of animals should support that and should be willing to scrutinise those decisions. I will wrap up by noting Labor supports the call for papers because the member is pursuing what she was elected to do on behalf of her constituents. That is something we should all support.

**The Hon. EMMA HURST (20:14:57):** In reply: I thank the Hon. Mark Pearson, the Hon. Sam Faraway, the Hon. Penny Sharpe and Ms Abigail Boyd for their contributions. I put on record that the rest of the Hon. Sam Faraway's contribution was not about illegal trespass or undercover investigations, but rather my role on an oversight committee, which would give me a better understanding of the use of these animals than the

regular person on the street. I moved the motion because most people on the street do not know what happens in that facility. In fact, many organisations have put in multiple freedom of information requests and requests under the Government Information (Public Access) Act. I have put questions to the Government on notice and in budget estimates and no-one can tell us how much taxpayer money is going into that facility or what kind of research is being done. That has led to the request for papers under Standing Order 52. All other avenues have been exhausted and no information has come forward. As the Hon. Sam Faraway said, if this is not a horror film, then let us access the papers and assess that for ourselves. I urge all members to support the motion.

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

**The House divided.**

Ayes .....23  
Noes .....15  
Majority.....8

**AYES**

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

**NOES**

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

**PAIRS**

Veitch

Mallard

**Motion agreed to.**

**BRANDY HILL QUARRY**

**Production of Documents: Order**

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

That private members' business item No. 598 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (20:27:22):** 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 relating to the Brandy Hill Quarry expansion proposal:

- (a) any ministerial or departmental correspondence, briefings or directions provided to the Independent Planning Commission or Commissioners which were not publicly available, relating to the Brandy Hill Quarry expansion proposal; 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 application to expand Brandy Hill quarry, near Port Stephens and Maitland, was successful before the Independent Planning Commission [IPC]. There were concerns about traffic movements, environmental impacts and a range of issues. Ultimately, it was approved by the IPC in July. One of the curiosities was in relation to the impact on threatened species, in particular on koalas. The quarry's own environmental assessment admitted that the project would reduce the population of koalas. Page 142 of the environmental impact statement biodiversity report stated:

Approximately 45.8 hectares of koala habitat will be removed for the project. It is therefore likely the project will modify, destroy or remove or isolate or decrease the availability or quality of habitat to the extent the species is likely to decline locally.

The report also stated:

The removal of koala habitat resulting from the project will adversely affect habitat critical to the survival of the species.

The department had this information. The department recommended approval and the IPC approved. Page 31, paragraph 166 is instructive. It stated:

The Commission acknowledges that the Project will impact on threatened species, however based on the Department's specialist assessment and the conditions imposed by the Commission, it considers that impacts to biodiversity can be appropriately managed and compensated ...

It is not clear, to me at least, what that was referring to. On the one hand, how do you acknowledge the impact and say it can be compensated but, on the other hand, have no plan for growing the koala population? The report also stated: ... in light of the "Black Summer" bushfires and the Parliamentary Review, it may be appropriate to reevaluate the policy framework under which the impact on koalas is required to be assessed.

This also sticks out in the IPC decision and it is not clear what in the process that responded to. Members will be aware that the environment Minister has recently stated that it is his ambition and the Government's plan to grow the koala population by 50 per cent. There is a question mark over all of the inputs into the IPC's decision.

This motion seeks the production of any documents relating to the expansion proposal that were not publicly available. We want to see—and we hope there is nothing there—whether there was any other information provided to the IPC that was not in the public domain or whether there was any instructional guidance from the Government to the IPC. Noting that although the IPC is independent, it is amenable to guidelines and guidance from government, particularly in relation to government policy. To dispel any concerns that may be lingering in the community, we have put forward this Standing Order 52 motion in the profound hope that there is a nil return.

**Ms CATE FAEHRMANN (20:30:55):** On behalf of The Greens I support this motion in relation to documents concerning the Independent Planning Commission's approval of the expansion of the Brandy Hill Quarry at Port Stephens. As the Hon. Adam Searle mentioned, there is a lot of public interest and a lot of community concern about the way in which the IPC has come to its position on this matter. I note that the proposal, which will destroy 52 hectares of core koala habitat, followed the environment Minister's statement that he wants to double the koala population in New South Wales by 2050. The community will be very interested to see if anything comes up that needs to be publicly aired in relation to this decision by the IPC. The community interest in this is extremely high and we support the motion.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:32:20):** The Government will not be opposing the motion. We probably share the Leader of the Opposition's view in hoping that there is a nil return. Notwithstanding that this probably has all the hallmarks of a fishing expedition—a koala expedition—the Government will not be opposing the motion..

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

**Motion agreed to.**

#### *Motions*

### **DOMESTIC VIOLENCE**

**Ms ABIGAIL BOYD:** I move:

That private members' business item No. 564 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms ABIGAIL BOYD (20:33:44):** I seek leave to amend private members' business item No. 564 standing in my name on the *Notice Paper* for today of which I have given notice as follows:

- (1) In paragraph (1) (a) insert "followed by a 38 per cent increase in calls between March and April, the second busiest period in the services history," after "late at night".
- (2) In paragraph (1) (c) omit "10 per cent" and insert instead "11 per cent".
- (3) Insert after paragraph 1 (f) the following new paragraphs:
  - (g) as reported by the ABC, the Men's Referral Service has seen a 37 per cent increase in calls from April 2019 to April 2020;
  - (h) as reported by the ABC, a survey of frontline workers across New South Wales shows a spike in service demand since restrictions were eased; and

- (4) In paragraph (2) (f) omit "the cost of".
- (5) In paragraphs 4 (a) and 4 (b) insert "and presentation" after "analysis".

**Leave granted.**

**Ms ABIGAIL BOYD:** Accordingly, I move:

- (1) That this House notes that since the implementation of social distancing:
  - (a) as reported by ABC's 7.30 and ANROWS, 1800RESPECT has seen a 20 per cent increase in usage of their online chat service, and a decrease of approximately 5 per cent in phone calls from women in March 2020 compared to the previous year, with a greater proportion of calls being received late at night followed by a 38 per cent increase in calls between March and April, the second busiest period in the services history;
  - (b) as reported by the Australian Government's Department of Prime Minister and Cabinet, MensLine support and information hotline has seen a 34 per cent increase in men calling to report domestic violence concerns between February and March 2020;
  - (c) as reported by the Department of Communities and Justice, Safer Pathway services have seen an 11 per cent increase in the number of domestic violence client referrals in March 2020 compared with the previous year;
  - (d) as reported by Community Legal Centres [CLCs] Australia, in March 2020 compared with March 2019, there has been a 4 per cent increase in Community Legal Centres clients experiencing domestic violence, and domestic and family violence work in the CLC sector has increased by 13 per cent, and domestic violence protection orders have increased 15 per cent;
  - (e) as reported by Women's Safety NSW, an April 2020 survey of frontline domestic violence workers and service providers found that half of respondents to the sector survey reported seeing an increase in instances and severity of domestic violence and abuse during the lockdown period, with:
    - (i) 47 per cent of respondents observing an increase in women reporting violence for the first time;
    - (ii) 45.5 per cent of respondents observing women deprioritising their own safety over material needs; and
    - (iii) 75 per cent of respondents stating that women have reported that they have experienced additional barriers to accessing services;
  - (f) as reported by ABC's 7.30, women's community shelters have seen a 30 per cent increase in calls to their services in March 2020 compared with February 2020; and
  - (g) as reported by the ABC, the Men's Referral Service has seen a 37 per cent increase in calls from April 2019 to April 2020;
  - (h) as reported by the ABC, a survey of frontline workers across New South Wales shows a spike in service demand since restrictions were eased; and
  - (i) as reported by BOCSAR, police recorded crime data does not show an increase in domestic violence in March or April 2020 compared with the previous year.
- (2) That this House acknowledges that:
  - (a) domestic violence and abuse can take many forms, and that no one type of abuse is more serious than another;
  - (b) our crimes legislation does not currently recognise many forms of abuse which may occur in domestic relationships;
  - (c) the vast majority of violence and abuse continues to go unreported to police as indicated by the Australian Bureau of Statistics Personal Safety Survey;
  - (d) data on domestic violence as reported by the NSW Bureau of Crime Statistics and Research is inconsistent with reports from a variety of frontline specialist domestic and family violence services;
  - (e) the reports and evidence provided by frontline specialist domestic and family violence services as to the prevalence, patterns of perpetration and victimisation and impacts of violence and abuse are valuable sources for informing the Parliament and the public as to the actual realities of domestic and family violence; and
  - (f) misrepresenting the prevalence of domestic violence and abuse has the potential for extremely negative consequences for victims and survivors of that violence and abuse.
- (3) That this House recognises that, in light of current legislative gaps and the complex factors at play behind any increase or decrease of the reporting of domestic violence incidents, particularly to police, police crimes data alone paints an incomplete picture of domestic violence and abuse in New South Wales.
- (4) That this House calls on the Government to ensure data collection on domestic violence and abuse, and associated analysis, is accurate and representative of best-practice understandings of domestic violence and abuse by:
  - (a) ensuring BOCSAR analysis and presentation of domestic violence crime statistics recognises that not all forms of domestic violence and abuse are currently reported to police or recognised as domestic violence incidents by the police; and
  - (b) ensuring future analysis and presentation of domestic violence crime statistics undertaken by BOCSAR expressly recognises that data which is based only on reporting to police provides an inconclusive picture as to the actual incidence of domestic violence.

The intention of this motion is to detail some of the statistics not seen in some of the NSW Bureau of Crime Statistics and Research reporting. In May the bureau released a media briefing paper entitled *Has domestic violence increased in NSW in the wake of COVID-19 social distancing and isolation?* The bureau concluded that:

None of the evidence considered here suggests social isolation measures have increased domestic violence in the first six weeks of operation.

Other data from frontline organisations tells a very different story. How did this happen? Basically, the bureau does not collect sufficient data from a broad range of services to make conclusions about the prevalence of domestic violence. It collects and reports on a limited picture of the complex domestic violence landscape what is seen by police and what results in a criminal charge. BOCSAR simply does not have the capacity to answer the question that it posed. Why did BOCSAR produce a brief with an aim it could not accurately answer? Why did the media release lead with a question that could not be answered by BOCSAR? Who asked for it and why?

If the title or aim had stipulated incidents of domestic violence reported to the police, the limitations would be clear and the potential for misrepresentation of this data would be drastically reduced. It behoves us as users of BOCSAR's analysis to be aware of the limitations of the data and to use it responsibly. Unfortunately, this analysis has been misused, including by members of this place. Crime statistics are a poor measure of what is really happening in people's homes. To think otherwise is to fail to understand the control, fear and manipulation inherent in domestic violence and abuse. Victims, predominantly women, ordinarily struggle to contact services without the additional impacts of being confined with their abuser 24 hours a day. COVID-19 has made making a secret phone call impossible for many. One frontline worker, Susan Crane, put this well:

What we were hearing during the lockdown was abusive partners controlling women 24 hours a day, including their phone calls.

The media release for the bureau's May report begins with the definitive statement:

Domestic violence reports did not increase in April 2020 ... despite most of the community being in lockdown in their homes

It is followed by a summary of data with comparisons that did not take into account that circumstances have drastically changed. It is not domestic violence that has decreased; it is victims' capacity to report it, to leave their homes and to seek help. Any comparisons with 2019 are meaningless. Unfortunately it is not until the last paragraph that there is an acknowledgement that the study, "could not detect unreported domestic violence that did not result in serious physical injury". It beggars belief that in 2020 we are still reducing domestic violence to single incidents of serious physical injury reported to police. Hayley Foster, CEO of Women's Safety NSW, said in May that it is "irresponsible to put out a report drawing a conclusion that fears that domestic violence would increase hadn't been realised".

When reporting under-represents the magnitude of the problem, when politicians quote that under-representation, we fail vulnerable people, including children. If we do not admit to the scale of this problem, we will never adequately fund the services that victims and survivors need and we will never improve the laws that should protect them. Tragically, easing restrictions seems to have escalated domestic violence and abuse in some situations. A survey of frontline workers across 20 domestic violence services in New South Wales found a spike in domestic violence. Around half of those surveyed by Women's Safety NSW said that there had been an increase in demand for help since restrictions eased and renewed threats to women's safety as some attempted to leave violence. Hayley Foster further said:

How we've seen that manifest is in more extreme forms of violence, more threats on people's lives as well as the lives of children and pets ... more extreme physical and sexual assaults. The Government has pledged additional support, but we knew before the pandemic that services were in crisis. Now is the time to face up to the other pandemic in this State. Forget the crime statistics—they represent a drop in the bucket. The real prevalence of this secretive, insidious and pervasive disease is already known on the front line. It is time we acted with a response that matched the magnitude of the problem.

**The Hon. MARK LATHAM (20:39:34):** New South Wales has been very fortunate to have the Bureau of Crime Statistics and Research [BOCSAR] in place for some 30 years now. It is a very professional and independent organisation that is certainly not male-dominated. The relevant report produced by BOCSAR for May 2020 is its Bureau Brief No. 146, which was written by Karen Freeman, who is a professional crime statistician, unlike anyone in the House. Some members may be too young to remember it but there was a time in the 1980s in New South Wales when we did not have independent crime statistical analysis. The Minister for Police would release the data, and naturally it would be released on a political basis—the statistics that looked good would be released but the rest of them would remain hidden.

To his great credit, police Minister Ted Pickering in the Greiner Government set up BOCSAR, which is independent and professional and has been relied on by all sides of politics for 30 years to provide the evidence. For The Greens now to say that this is wrong, that there is some slur, some suggestion of inadequacy by BOCSAR, is just plain wrong. The Greens are engaged in their standard ethos: if you do not like the evidence, impose your

own world view and see what people say about that. Let me read out the evidence in this BOCSAR bulletin written by Karen Freeman:

Police recorded crime data for March and April 2020 show no evidence of an increase in domestic violence since social distancing was implemented in response to the COVID-19 pandemic. Social distancing measures commenced in NSW in mid-March 2020. Recorded incidents of domestic violence-related assault for the month of April were lower than April 2019—

And BOCSAR provides the data. The bulletin goes on:

It is possible that an increase has been masked by isolation strategies affecting victim willingness or ability to seek assistance from police. Were this to be the case, we would still expect the most serious forms of physical domestic violence (i.e. murder and assault resulting in grievous bodily harm) to come to police attention as these offences are not as sensitive to discretionary reporting. The volume of extremely serious domestic violence offences recorded by police in April 2020, however, are comparable with 2019 counts.

Trends in the volume of calls to the NSW Domestic Violence Line—

so this is the question of calls to the official domestic violence line in New South Wales—

a 24-hour assistance victim assistance service, show no evidence of COVID related increase; while call volumes have been higher in 2020 compared with 2019—

**Ms Cate Faehrmann:** Did you listen to her speech? Did you listen to the facts?

**The Hon. MARK LATHAM:** I know you hate professional independent advice and evidence but I can only read out what BOCSAR has presented:

... while call volumes have been higher in 2020 compared with 2019, the increase preceded social isolation initiatives. Police urgent domestic violence callouts have not increased either.

None of the evidence considered here suggests social isolation measures have increased domestic violence in the first six weeks of operation.

I know that some members wanted a domestic violence pandemic, but the evidence clearly shows it did not happen.

**The Hon. TARA MORIARTY (20:42:42):** On behalf of the Opposition I speak in support of this motion, but I flag that we will be moving an amendment. The COVID-19 pandemic and the resulting period of social distancing has affected people across the community in many ways. People have lost their jobs, mental health issues have increased and domestic violence continues to be an ever-increasing problem. As noted in the motion, 1800RESPECT saw a 20 per cent increase in the usage of its online chat service in March, followed by a 30 per cent increase in calls between March and April—the second busiest period in its history; MensLine has seen a 34 per cent increase in men calling in to report domestic violence concerns between February and March this year; and the Department of Communities and Justice Safer Pathway services have seen an 11 per cent increase in the number of domestic violence client referrals in March 2020 compared with the previous year.

The motion also notes a report from Women's Safety entitled *Family Violence and Alcohol during COVID-19*, released in May this year, which surveyed frontline domestic violence workers and service providers. The report reveals terrible statistics: 47 per cent of those surveyed reported an increase in their case load since COVID-19 restrictions began and 75 per cent of respondents stated that women have reported that they have experienced additional barriers to accessing services. We acknowledge those who have experienced and suffered domestic violence at any time, particularly during this recent period. I note, as does the motion, that many women, men and children never come forward through official channels to report their abuse. That makes it difficult to get a clear picture of the impact and prevalence of domestic violence across the community. Although the Opposition supports the bulk of the motion and understands its intent, I move:

That the motion be amended by omitting all words in paragraph (4) after "best practice understandings of domestic violence and abuse" and deleting subparagraphs (a) and (b).

As it stands, paragraph 4 refers to data collection and seeks that the Bureau of Crime Statistics and Research [BOCSAR] recognise in its analysis that not all domestic violence incidents are reported to police. We certainly agree that better data needs to be collected and kept on the issue, but we do not believe that the Bureau of Crime Statistics and Research is necessarily the appropriate agency to do that. BOCSAR collects statistics on reported crime and criminal justice in New South Wales, and in our view that is not the appropriate mechanism for the information being sought.

We acknowledge the difference between what a range of support services say they have experienced in this space compared with the official crime statistics and we agree that better, more expansive reporting is needed to accurately reflect the experience across the community, but we do not believe that what is proposed in this motion is a workable solution. Therefore, in addition to my amendment, we support the remainder of the motion and its intention, but it is important to acknowledge the under-reporting of domestic violence so that we can have the resources available to assist people in those situations through whatever means are appropriate.

**The Hon. EMMA HURST (20:46:16):** I support the motion of Ms Abigail Boyd regarding the rise of domestic violence during the COVID-19 pandemic. As Ms Abigail Boyd's motion notes, domestic violence is a complex issue. Our current legislation and reporting system does not capture all forms of domestic violence and often portrays an incomplete picture of the rates of domestic violence. One particular aspect of domestic violence that is often overlooked and under-reported is the harm that can be caused to animals. Violence is often inflicted upon animals as a means to further control, punish or intimidate human victims who may have a strong bond with the animal.

A 2008 Australian study found that 53 per cent of victims who entered a shelter to escape domestic violence said that their companion animals had also been harmed. Overseas studies have shown that animal mistreatment is present in as many as 89 per cent of domestic violence cases. Those animals are also victims of domestic abuse in their own right. Animal protection can also be a reason that people delay leaving violent relationships if they are concerned that they will be unable to flee with the animal and find safe, alternative accommodation. Studies have shown that 18 per cent to 65 per cent of victims delay or refuse to leave abusive situations due to concerns about their animals. The options for those people seeking to leave violence have been severely limited during COVID-19. Lockdowns have provided new ways for abusers to exert control over humans via their animal victims. Physical distancing measures and increased social isolation mean victims may struggle to access support outside the home.

I have spoken to representatives from the RSPCA and the Animal Welfare League, who have indicated that there has been a drop in people seeking to access domestic violence services during COVID-19 restrictions such as obtaining temporary housing for anybody with animals fleeing violence. This is a serious issue. We need reform in the domestic violence space to protect both human and non-human victims, and accurate data collection and reporting is a fundamental part of this. I thank Ms Abigail Boyd for moving the motion.

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (20:48:25):** Mr Assistant President, I welcome you to your first day in the chair. I thank Ms Abigail Boyd for bringing this motion to the attention of the House. The Government supports the motion as amended by the Opposition. The New South Wales Government shares the member's concerns that members of our community are impacted by sexual, domestic and family violence. I note that David Tran was charged overnight for the murder of his former girlfriend Daiane Pelegrini after she ended their relationship. My thoughts are with Ms Pelegrini's family during this absolutely horrible time. We are committed to protecting victim-survivors of domestic and family violence and equally to holding perpetrators to account.

The New South Wales Government is ensuring that funding and program responses to domestic and family violence during COVID-19 are informed by authoritative data and sector feedback. On 26 May 2020 the Attorney General and I announced a significant additional investment of more than \$21 million in funding from the New South Wales and Commonwealth governments for the domestic and family violence sector. Concerned about the possible rise in cases of domestic and family violence as a result of social isolation measures required to stem the spread of COVID-19, the Government sought to ensure that frontline specialist services were provided with an immediate increase in funding. Informed by the needs of the sector, the funding was allocated by frontline specialist domestic and family violence services to support victim survivors to escape violent homes and remain safely at home, to hold perpetrators to account and to raise community awareness about domestic and family violence and available services.

The NSW Bureau of Crime Statistics and Research [BOCSAR], our pre-eminent statistical and research agency, has published two reports to assess the changes in reported cases of domestic and family violence since the COVID-19 pandemic. BOCSAR's 28 May report compares data from April 2019 to April 2020 and shows a slight decrease in assaults recorded by police and an equivalent number of urgent police domestic and family violence call-outs. The report did not rule out an increase in unreported domestic and family violence. The New South Wales Government has other services such as crisis helplines, victim referrals, NSW Health's Violence, Abuse and Neglect [VAN] services and specialists to handle increase in demand and/or complexity in domestic and family violence.

That is why our recent investment is directed to critical frontline specialist domestic and family violence services to support their capacity to respond. Further funding provided an enhancement for the NSW Domestic Violence Line, which operates 24 hours a day, every day of the year, providing crisis counselling and support referrals. We continue to work with the sector and with victim survivors to ensure that the response is right. Our understanding of our response to domestic and family violence continues to evolve over time.

**The Hon. NATALIE WARD (20:51:29):** As Parliamentary Secretary to the Attorney General and Minister for the Prevention of Domestic Violence, I appreciate the opportunity to speak on this important matter. I appreciate the honourable member's motion as amended by Labor by removing subsection (a) and (b) from paragraph (4) of the motion, which the Government supports. The New South Wales Government is aware that

the public health measures necessary to limit the spread of COVID-19 across the community may have had the unintended consequence of limiting the opportunities for people experiencing domestic violence to report that abuse or seek support. The latest information from our key statistical and research organisation, the NSW Bureau of Crime Statistics and Research [BOCSAR], indicates that there has been no recorded increase in domestic and family violence assaults specifically in the COVID-19 period to April 2020.

Importantly, the BOCSAR report notes that it is possible that some incidents of domestic violence are not being reported to police. Measuring the prevalence of domestic and family violence is incredibly complex. Challenges to reporting include defining what is to be measured, willingness and an ability to self-report—which we know is a problem—plus factors such as age, cultural background and the source of the sample, which all influence the measurement of prevalence. We know that there is often a time delay between reporting to police and the subsequent analysis undertaken of that reported data. That, too, impacts prevalence.

However, in determining our response to COVID-19, the New South Wales Government took into account both officially reported incidents and the domestic violence sector feedback. Information provided by the sector is useful and welcome to inform Government policy responses. But it does not, in and of itself, provide a reliable and generalised measurement of victimisation, patterns of perpetration or prevalence. Therefore, caution must be exercised. Anecdotes are not a proxy for testable, replicable or statistical evidence that can be peer-reviewed. Only carefully designed population-based surveys provide such insight.

Even then, we must remain mindful that estimations of prevalence are based on self-reporting. As we know, there are many reasons victim survivors choose not to disclose or may wait a considerable period of time before doing so, as reflected by BOCSAR. We acknowledge that disasters and emergencies exacerbate domestic violence and we must ensure that services and supports are able to respond accordingly. That is why, on 26 March 2020 the Attorney General and the Minister for Mental Health, Regional Youth and Women announced a significant investment of more than \$21 million from the New South Wales and Commonwealth governments for the domestic and family violence sector, with funds allocated according to the needs of the sector. Feedback indicated an urgent need for housing assistance, so the stimulus package includes rental assistance to help victim survivors access and sustain housing in the private rental market. The stimulus package delivers \$14.3 million— [*Time expired.*]

**Mr DAVID SHOEBRIDGE (20:54:56):** I thank my colleague Ms Abigail Boyd, the Hon. Emma Hurst, the Hon. Tara Moriarty, the Minister and the Hon. Natalie Ward for their contributions. Listening to the depth of the analysis of complex drivers of domestic violence and the contributions from each of those members has been extremely informative. I particularly associate myself with the comments of my colleague Ms Abigail Boyd and thank her for her leadership.

**The Hon. CATHERINE CUSACK (20:55:27):** I also thank Ms Abigail Boyd for bringing this motion forward because this issue—of all the issues I encounter as a member of Parliament—is the most upsetting, the most unjust and the most unsolved. All members must be aware of it on a daily basis. Today police have charged another man with a domestic violence homicide. I echo the comments of Mr David Shoebridge that a complex approach is being taken. A huge strain has been placed on many families during the COVID-19 lockdowns and that continues as those constraints also continue with the ongoing difficulties the pandemic presents even for those not directly affected.

The Government has made investments and taken care to calibrate policy to do that. I particularly appreciate the extension of Apprehended Domestic Violence Orders from 28 days to six months. I believe more support must be invested to encourage victims to come forward and make complaints because, in so many cases, services are aware of victims but it all falls over when it comes to going to court to get that Apprehended Violence Order. I commend the Government for the work it is doing and I commend the member for bringing forward the motion on an issue that I am passionate about. I support the motion as amended by Labor.

**Ms ABIGAIL BOYD (20:56:55):** In reply: I thank honourable members for their contributions. I will start with the Hon. Mark Latham. I thank him for proving the point of my motion. The unfortunate way in which BOCSAR has reported its data in this instance can lead to dangerous misrepresentations by politicians such as the Hon. Mark Latham—and the honourable member has demonstrated that clearly here tonight. I thank the Hon. Emma Hurst for keeping the link between animal welfare concerns and domestic abuse on the agenda. That is an evolving field and something that is becoming more of a focus for stakeholders in both the animal welfare and domestic violence spaces. I thank the Hon. Bronnie Taylor, the Hon. Natalie Ward and the Hon. Catherine Cusack for their contributions and for supporting the body of the motion.

I was pleased to see the Attorney General publicly acknowledge the limitations of the police data when it came out. I was also pleased to see him acknowledge other data that had come to light, which painted a more complex picture. Finally, I thank the Hon. Tara Moriarty for her considered comments. I understand the point she

raises in her amendment and the idea that BOCSAR might not be the best agency to pull together a better grouping of statistics. Hopefully, BOCSAR will clearly confine its presentation of future analysis to police reporting only because, as the Hon. Natalie Ward commented, getting an accurate picture is incredibly complex and we must be careful about the presentation of the information released.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Ms Abigail Boyd has moved a motion, to which the Hon. Tara Moriarty has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**The House divided.**

Ayes .....34  
Noes .....4  
Majority.....30

**AYES**

Amato	Boyd	Buttigieg
Cusack	D'Adam	Donnelly
Fachrmann	Fang	Farlow
Farraway (teller)	Field	Franklin
Graham	Harwin	Houssos
Hurst	Jackson	Khan
Maclaren-Jones (teller)	Martin	Mason-Cox
Mitchell	Mookhey	Moriarty
Nile	Pearson	Primrose
Searle	Secord	Sharpe
Shoebridge	Taylor	Tudehope
Ward		

**NOES**

Banasiak	Borsak (teller)	Latham (teller)
Roberts		

**Motion as amended agreed to.**

*Bills*

**WATER MANAGEMENT AMENDMENT (TRANSPARENCY OF WATER RIGHTS) BILL 2020**

**Second Reading Speech**

**Debate resumed from 3 June 2020.**

**The Hon. MARK BANASIAK (21:11:50):** I move:

That this bill be now read a second time.

As I made my second reading speech on 3 June 2020, I will not speak again.

**Second Reading Debate**

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (21:12:21):**

It will probably not come as a surprise to members that I speak on behalf of the Government in opposition to the Water Management Amendment (Transparency of Water Rights) Bill 2020. The Government does not support the bill. The Government understands the importance of openness and transparency when it comes to water ownership and trading information. It has taken significant steps to increase the amount of information available and to make it easier for the public to access that information.

As with all rights, there are limits. Each right interacts with another. The public's right to open and transparent information must be balanced against an individual's right to privacy. There are limits each way. The bill introduced by the Hon. Mark Banasiak proposes that information is not to be restricted in any way. The bill will make available online the personal and private details of mum-and-dad farmers at the click of a mouse. Good

public policy, good government, is about striking the proper balance between those competing rights. The bill seeks to vastly increase the amount of personally identifiable, private information available to the public for one asset class only—water. The Government holds significant privacy concerns about that proposal. No clear, overriding public benefits have been demonstrated.

Recently the Australian Competition and Consumer Commission looked at the issue in its interim report on the Murray-Darling Basin water markets inquiry. It found that "publication of identity details may have several drawbacks or unintended negative consequences", including that they "may be inconsistent with personal privacy laws", "may allow certain service providers avenues to inappropriately approach individuals to pressure them to engage in trade", and "may allow inappropriate targeting of individuals or entities who are perceived to be engaging in inappropriate conduct, even where the conduct is lawful". The Government is taking steps to improve public access to water ownership and trading information while ensuring that individual rights to privacy remain protected. There are ways to improve public access to water market information but this bill is not one of them. I call on the House to oppose the bill.

**The Hon. PENNY SHARPE (21:14:47):** I speak on behalf of the Opposition in debate on the Water Management Amendment (Transparency of Water Rights) Bill 2020. Labor supports the bill. During debate in this House on the Government's Constitution Amendment (Water Accountability and Transparency) Bill 2020 members had some discussion on transparency issues. It is with great disappointment that I stand here tonight after hearing Government members speak about the importance of, and our collective commitment to, transparency in relation to water assets. The Government has been extremely disingenuous when it comes to the Water Management Amendment (Transparency of Water Rights) Bill. Government members have said they care about transparency. They did not get their own way so, churlishly, they oppose the bill before the House.

The Government could have done one of two things. It could have negotiated a bill that all members could be happy with. It failed to do that because it is at war with the Shooters, Fishers and Farmers Party across most of New South Wales. Members are witnessing petty politics at the expense of proper transparency and trust in the Government as a result of the Government's behaviour. If it is as concerned about transparency as much as it says it is, the Government could move amendments to the bill to address the concerns it professes to have about it. Of course, the Government has not done that. It has simply said, "No, the bill is not ours, therefore we are not supporting it." That is an extremely disappointing outcome for the people of this State given the serious work done by parliamentary committees and others to get to the heart of the issue; namely, that water in this State is worth billions of dollars, is traded every day and is a significant asset, and that, as a trust measure for the constituents who elect them, members of Parliament must be transparent about the water assets they hold. The idea that this House should not pursue that objective is utterly ridiculous. Labor does not support that.

I understand that the Hon. Mark Banasiak will move an amendment to the bill to include trusts. Labor has raised that issue with the Shooters, Fishers and Farmers members. I will wait to hear the detail of the amendment, however, I believe that Labor will support it. The issue addressed by the bill is not as hard as some members have made out. We have real issues with trust in politics. For members in this Chamber and this Parliament over the past 10 years, the fights over water, the allegations, the ICAC inquiries, the rorting and the alleged corruption in relation to water in this State boggle the mind. We need to rebuild public trust. The people of New South Wales must have confidence that every member of Parliament is being honest about what they own and what they can possibly gain or lose as a result of decisions they make in this Parliament. It is an anomaly that water has not been considered before now. It is way beyond time that it be considered.

Members' pecuniary interests must be managed carefully. The Shooters, Fishers and Farmers members have the balance right on that in the bill. Labor is influenced by the submission that was made to the inquiry by the Clerk of this House, Mr David Blunt, a man whom members respect greatly. Members who fail to listen to his advice do so at their peril. Mr Blunt does a great job protecting us from ourselves. He raised some very significant issues. Over many years the Privileges Committee has heard a lot of discussion about pecuniary interests and transparency. Although the bill does not address all Mr Blunt's comments, I urge all members to look closely at his submission and at the way in which members report pecuniary interests. At the end of the day we need a robust system that the people of New South Wales can have faith in; for members to be as clear and open as we can be about what we own and who seeks to gain; and for people to know that the decisions we make are in the public interest and not for private benefit.

My final comment, which I reiterate, is that it is very disappointing that the Government will oppose the bill. If it was serious about transparency it would either move some amendments or support the bill. It is a major failure of both the Minister and the Government to not be prepared to support a regime that increases transparency. All other words they say in the future when it comes to this matter are not worth anything because they will be false words; it is actions, not words, that are needed. The Government's actions tonight will show how

disingenuous it is about this issue. That is a great pity for the people of this State and for the members in this Chamber who are trying to do the right thing and build public trust, not destroy it.

**Ms CATE FAEHRMANN (21:20:21):** On behalf of The Greens I speak in support of the Water Management Amendment (Transparency of Water Rights) Bill 2020. The bill is important because it aims to end much of the secrecy of who owns and trades water in New South Wales. It changes the application process for water access licences, so that people cannot hide their identity, and requires more relevant information of those who apply for a water access licence to be included, such as major shareholders and directors of companies. This is a good thing because it means that people will be able to search the water register by name, rather than by lot number, which is currently the case. Members in this place understand how much of a barrier needing to know lot numbers for water access licences is to full water transparency. Importantly, the bill also requires members of Parliament to declare their current interests in water licences, as well as for the past five years.

As I said yesterday in this place, the question must be asked: Why, before pressure was placed on the National Party in the lower House with the member for Murray's bill just a few months ago, has it never moved to increase water transparency in New South Wales? Despite the fact that shocking allegations were revealed several years ago in the *Four Corners* documentary "Pumped"—some of which are still before the ICAC—we still do not know the full result of those allegations and are yet to see the Liberal-Nationals Government take any serious action to increase water transparency. We have to ask why the National Party has delayed and avoided seeking changes to the water register in New South Wales and why it has failed to pursue a national water register. Following the introduction of the member for Murray's bill, the National Party water Minister, Melinda Pavey, yesterday introduced her far weaker bill, which focused only on members of Parliament and ignored the huge swathe of evidence for the need to increase the transparency of all water access licences. The register for MPs is important to avoid conflicts of interest in all decisions made in this place.

What a pity that this was not done when the Liberal-Nationals won government back in 2011, for example, so that they could demonstrate to the people of New South Wales that all the decisions made from that point on were being made in the public interest, as opposed to in the interest of the National Party's big corporate irrigator mates. It is important to remember that the only time the National Party has ever done something to ensure greater transparency on water was when they were under the pump because of matters brought before this House. We have to wonder what the National Party is afraid of in the bill and why they cannot support it. As the Hon. Penny Sharpe said, why could they not bring forward a bill that increased transparency and accountability so that everybody in this State could understand what is happening to the billions of dollars that are being traded with water and who owns the water. The Greens gladly support this Shooters, Fishers and Farmers Party bill and we also support the amendments that will be moved in relation to trusts.

**The Hon. ROD ROBERTS (21:24:30):** On behalf of One Nation I speak in support of the Water Management Amendment (Transparency of Water Rights) Bill 2020, moved by the Shooters, Fishers and Farmers Party. It is our position that water management, allocation and ownership is the single biggest issue facing the agricultural industry. It has a huge and potentially detrimental effect on towns and cities in rural and regional New South Wales. Numerous times we have heard from frustrated people regarding current water administration arrangements. One of the biggest concerns of our rural constituents is not only the management and allocation of water but also the lack of transparency surrounding water ownership. The consequence of separating water from the land and turning it into a tradeable commodity has led to unforeseen problems, the main one being ownership of water by corporate entities solely for the purpose of profit through speculative trades.

We believe that the original intention of a tradeable water market was a step in the right direction. It allowed primary producers the ability to onsell their water allocations, which, in turn, provided them with flexibility and opportunities to supplement and support their farm income. However, the entry of corporate speculators into the marketplace has distorted the market, forcing water prices to levels that have decreased the accessibility of water to the majority of producers, which has, in turn, threatened their livelihood and sustainability. This practice has caused great angst and concern to not only primary producers but also rural and regional towns that rely on the agricultural industry and their commercial inputs. Unfortunately, this has been exacerbated during the recent drought. One small step in the process of restoring confidence to the agricultural industry is transparency in the ownership of water rights. One Nation believes the bill is a step in the right direction and we support the three main objectives of the bill.

The first objective of the bill is to make a search of the online water register easier to navigate by broadening the search fields. At present a search is conducted using only the water access licence number. The bill expands the search to include names of individuals or corporations. A search could also be conducted using an Australian business number, or even by way of the irrigation scheme itself. The second objective is to impose new requirements on water access licence applicants for information in the application process, including, but not limited to, the names of directors, major shareholders and other related bodies corporate. It will also be necessary

for applicants to provide details of the purpose for which the water access licence is sought and any land where water, taken under the licence, will be used. Individuals can no longer hide their identity when applying for a licence. The third, and arguably most important, objective of the bill is the requirement for members of Parliament and their spouses to disclose interests in water access licences they hold.

At present there is no obligation on members to disclose ownership of water; members are required to disclose, amongst other things, real estate holdings and shareholdings. With water becoming a tradeable commodity, it is only right that members who own water rights should declare it on their pecuniary interest form. With the ownership, allocation and management of water being such a vexed issue in rural communities, it is absolutely necessary that members of Parliament are completely transparent in their dealings with this valuable and limited resource. Our party recognises that this is just a small step in the challenge of providing a fair, just and workable scheme to manage and allocate the precious resource that is water. Although it is a small step, it is a necessary and much-needed one that will go some way to providing transparency surrounding water management, which is a vital step towards building confidence in the agricultural industry. One Nation fully supports the objectives of the bill.

**Mr JUSTIN FIELD (21:29:04):** The Water Management Amendment (Transparency of Water Rights) Bill 2020 is essentially about transparency in the ownership and use of water in New South Wales. I sat on the inquiry that looked into the bill. The committee report is an accurate representation of what was heard in the inquiry. There was widespread support for more transparency as a principle when it comes to the management of water in New South Wales. There was support for both bills to that extent. The comment from the Murray Valley Private Diverters goes close to the heart of the issue. Ms Louise Burge said:

Full transparency and disclosure of water interests ... are critical for public confidence in decisions ... to re-establish public trust in Government processes.

The Government's bill took the tiniest possible step towards that. The bill before the House heads much closer to the point that was expressed by many people at the inquiry. But do not take it from me. I will read from a letter to the editor in yesterday's *Deniliquin Pastoral Times*, which is really important, given what we have heard from Minister Melinda Pavey in public statements since yesterday's debate on the Government's bill and also given the contributions from Government members tonight. The idea is often held that mum-and-dad farmers are vehemently opposed to the level of transparency proposed in the shooters party bill. This is an excerpt from a letter to the editor written by Stuart and Debbie Buller from Murrumbidgee.

**The Hon. Wes Fang:** You're kidding me. You know who that is.

**Mr JUSTIN FIELD:** The Hon. Wes Fang is welcome to respond. We would all really appreciate hearing from him. Let us hear from Stuart and Debbie Buller first. They state:

As fourth generation mum and dad farmers in southern NSW we were infuriated by Water Minister Melinda Pavey's comments in a radio interview on Monday, July 27. In her interview the minister claimed that her bill on water ownership transparency was superior to the bill submitted by Murray MP Helen Dalton. Minister Pavey claims that a transparent register would subject mum and dad farmers to potential attacks from environmentalists. That's nonsense. What generation of mum and dad farmers need is for water ownership to be treated the same as any other asset, such as land, buildings and shares. We need governments to implement what was legislated in 2004 under the National Water Initiative - a publicly-accessible reliable water registers that foster public confidence and state unambiguously who owns the entitlement. The potential damage from "crazy environmentalists" is nondescript and insignificant compared to the damage done to us mum and dad farmers by successive governments in NSW.

The Government is out of touch, The Nationals are out of touch and the New South Wales water Minister is out of touch when it comes to the concerns about water from farmers in New South Wales. The letter to the editor stands in stark contrast to the media release from the Minister this morning following yesterday's debate on the Government's bill. The Minister said:

The Shooters, Greens and Labor Party have voted to block transparency in the NSW Water Market in a disgraceful display of political games last night in the NSW Upper House.

Either the Minister is confused, or she is deliberately trying to mislead the media and the public. It was not just the shooters party, The Greens and Labor: It was One Nation, it was the Animal Justice Party and it was me. There was Minister Pavey and the Christian Democrats and that is it. She has no friends on the issue. It seems she has very few friends out in the bush and almost no friends in the Parliament other than her closest colleagues. Far from her bill addressing transparency in the water market, it does not deal with the water market at all. The bill before the House will go some way to addressing issues of transparency in the water market. I will get to that in a minute. The Minister's media release mentions the Australian Competition and Consumer Commission [ACCC] report that was published last week. The media release goes on:

The ACCC report published last week found that publishing identifying details will result in significant negative consequences.

The ACCC report did not say that at all. In fact, what the Government has presented tonight in debate on the bill was actually what was said in the ACCC report. I will acknowledge the honesty tonight. There was no honesty in the Minister's media release this morning on the issue. In fact, the ACCC's preliminary view was that:

Publishing identifying details will not help solve market issues.

One has to read the report in full, but that is the key takeaway. The ACCC acknowledges that:

... investment to provide this kind of information is not likely to materially assist stakeholders to make trading decisions, and there are other transparency improvements which should be pursued first.

The ACCC further acknowledges that:

... publication of identity details may have several drawbacks or unintended negative consequences.

The ACCC concluded by suggesting:

... the calls for this type of public register are strongly linked to concerns about integrity of water markets and the distribution of gains from trade or potential misconduct.

That is a far cry from the Minister's claims in her media release. The report states:

The ACCC's preliminary assessment is that the quality of water register data would greatly improve if state water legislation clearly mandated the collection, verification and recording of information such as price, trade type, product type, agent/broker name and date of agreement.

The bill is the first step in doing that. The ACCC's report points out a gaping hole in the credibility of the water market, which is something that the States will have to deal with. The Government has offered no prospect of dealing with that issue in its bill. The bill before us takes that first step. I am inclined to ignore the bluff and bluster from the Minister and side with the Stuart and Debbie Bullers of the world when it comes to the issue. The bill goes a long way towards rebuilding trust in water management in New South Wales, which the New South Wales National Party in particular has avoided for a very long time. I will make one final point, which I invite Nationals Party MPs to contest. The final point in the Minister's media release is the claim that in the parliamentary inquiry NSW Farmers, the NSW Irrigators' Council, Namoi Water, Griffith and Lachlan councils and the Ricegrowers' Association of Australia all voiced concerns over the bill. She said this was the shooters party's "pitiful attempt at legislation around water transparency".

I want Minister Melinda Pavey to repeat those words, because she has well and truly overplayed the case that was put by some of the groups on the inquiry. She has spectacularly failed to acknowledge that some members of the groups she identified actually support the bill. I have heard that many have contacted their peak bodies this week to express their concerns about how their organisations have represented the views of their members on the issue. The Minister and the National Party may want to hide behind the spokespeople for these peak bodies, which have long sided with big corporate vested interests on the issues, but the Minister and the National Party do so at the expense of the membership of those bodies. They undermine their credibility on the issue and their credibility in regional New South Wales when they do that.

**The Hon. WES FANG (21:37:08):** I will be brief, as the hour is late. I have listened to a lot of the contributions on the bill from members. I have a few things to say in response to Mr Justin Field's comments in particular. Firstly, the way that Mr Justin Field reads onto the record letters to the editor from people like Stuart and Debbie Buller, like he is a local who knows water and who understands those people in the western part of New South Wales, is somewhat ironic. He does not realise who he is talking about. Members who have devices in the Chamber can Google "Helen Dalton and Debbie Buller" and see the copious amounts of content and the photos that will appear. Helen Dalton and Debbie Buller have been publishing combined social media posts, writing articles and making podcasts for quite a while now. They are the best of friends. In fact, they were both National Party members, so I know them very well. Mr Justin Field is taking the bait from a Facebook post most likely from the member for Murray and regurgitating it like it is a post from a mum-and-dad farmer.

Let me tell Mr Justin Field, it is the mum-and-dad farmers who want protection. It was the National Party who protected farmers in relation to Aussie Farms. It was the National Party who fought to make sure that mum-and-dad farmers were not on a register so that animal liberationists, for want of a better term, or social warriors as they are otherwise known, would not invade their properties. The reason the member is able to read onto the record the number of people and groups who are against a register of this nature is because their members do not want to be part of Aussie Farms 2.0. The register that the shooters party will produce will have mum-and-dad farmers, those with small water allocations, open to the public. There are unintended consequences.

**The Hon. Penny Sharpe:** He lives at Milton.

**The Hon. WES FANG:** I am not talking about Mr Justin Field, I am talking about The Greens, the Animal Justice Party and the majority of Labor members who have not been west of the Great Dividing Range. I live out

there and I know that there are groups that do not want this register. They told the parliamentary inquiry so. Here we have an unholy alliance between the shooters party, The Greens and Labor. They are all working together.

**The Hon. Sarah Mitchell:** Point of order—

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** I will hear the point of order in silence.

**The Hon. Sarah Mitchell:** I am sitting as close as is possible to the Hon. Wes Fang and I am having trouble hearing him. The interjections are disorderly and there are far too many. Members should allow the members to make his contribution to the debate in silence.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** I uphold the point of order. The Hon. Wes Fang has the call. The member will be heard in silence.

**The Hon. WES FANG:** Why are we here? We know that there is one person in the Parliament who trades water—quite a lot of water, in fact. What better way to deflect the fact that you are trading millions of dollars of water than by implying that other people have water. We will establish this transparent register and make parliamentarians declare all their water. *The Land* newspaper asked the majority of parliamentarians about their water allocations. I note that I have a bore licence for my house; I do not have a bore.

**The Hon. Robert Borsak:** You are a bore.

**The Hon. Sam Farraway:** Point of order: The interjection made by the Hon. Robert Borsak was unparliamentary and uncalled for. I ask that he be called to order.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** I did not hear the comment.

**The Hon. Robert Borsak:** Would you like me to repeat it?

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** No, I would not. The Hon. Wes Fang will be allowed to continue without interjections.

**The Hon. WES FANG:** You know that you are getting under the skin of the Hon. Robert Borsak when he starts yapping like a little dog. That is what I have been hearing for the last few minutes, but I will ignore it. Again, why are we here? The access register will expose mum-and-dad farmers. That is why groups like the Ricegrowers' Association of Australia, councils and a number of stakeholders who are not multimillion dollar water traders are against this. It is funny how members like Mr Justin Field and those from the Shooters and the Animal Justice Party all talk about water transparency but they are not listening to the people who the bill is going to affect. They have their holy alliance and little deals all wrapped up. We know how it works in this place; that is fine. But make no mistake, the bill that the Minister for Water, Property and Housing put forward improved transparency by requiring members of Parliament to declare their trades, and it was rejected yesterday. But the deals that are done in this place mean that The Greens are siding with the Shooters, who are siding with Labor. It is funny that they gave preferences to Labor to get the Federal member elected in Eden-Monaro. That is another issue which we will probably address at another time.

Let us call this what it is—a bit of a stitch-up, a bit of a deal, a bit of Labor helping the Shooters with The Greens jumping in. There is no crack of light between them. The bill is not about water transparency, because the people that it affects do not want it. They want their privacy. They want to continue to farm and deliver food and fibre for Australia like they have done for generations. But when The Greens are trying to rip water away from our farmers—and Mr Justin Field, although I do not know what he fights for these days—it becomes harder for them. We have the multimillionaire member for Murray talking about water transparency, knowing that it is going to hurt the mum-and-dad farmers west of the Great Dividing Range. It goes to show that The Greens do not understand, Labor does not understand and the Shooters do not understand those west of the Great Dividing Range. There is one group that does understand, and that is The Nationals. I am proud to be a member of The Nationals and to stand with the Minister for Water, Property and Housing. I am proud to say that we will always protect mum-and-dad farmers. The politics of fear and negativity that minor parties bring into this place is a disgrace. It is a distraction but it will not distract us from the job at hand, which is protecting mum-and-dad farmers into the future.

**The Hon. SAM FARRAWAY (21:48:36):** It will not surprise members opposite that I oppose the Water Management Amendment (Transparency of Water Rights) Bill 2020. It is unfortunate that this Chamber does not accept the Government's proposed transparency measures bill that would require politicians of all colours and stripes to report their water holdings, trades and transfers within 14 days, including those with irrigation infrastructure operators like—

**The Hon. PENNY SHARPE:** Point of order: I genuinely do not want to interrupt the member's contribution but he is canvassing a decision of the House. The bill was dealt with yesterday and it was defeated. To argue the toss now is outside the standing orders.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** I uphold the point of order. The member is allowed to continue but I draw him back to the content of the bill before us.

**The Hon. SAM FARRAWAY:** As I have highlighted, the Government is clearly in opposition to the bill. The Government has done a great deal to increase public access to water ownership and trading information. The claim that the Government does not take it seriously is totally incorrect. It is critical to ensuring that we have public confidence in the proper operation of water markets. New South Wales is the only State providing publicly available data that enables the identification of a buyer and a seller of every water transaction. People in New South Wales can track water movements for any water access licence because the licence numbers of both buyers and sellers are included. No other State provides this level of information.

New South Wales has a publicly available dashboard that consolidates water trading information, including allocations, water traded and prices paid in one online platform. The Australian Competition and Consumer Commission [ACCC] in its recently published interim report into the Murray-Darling Basin water markets has recognised that basin States, including New South Wales, are progressing a range of initiatives to improve access to water trading information and upgrading water registers. The Government has already started this work with the ACCC and other basin governments to develop a single source of truth.

At the latest ministerial council meeting, basin State Ministers agreed to work collectively to share information and develop a single-source information portal for the Murray Darling Basin. They agreed that basin officials will work together to provide a framework for consideration at the next council meeting. A single source of truth water register must provide transparency across the water market that crosses State borders so that people will have confidence in the water market. If New South Wales acts alone when there is an ongoing market review for the entire system, it will perpetuate one of the very issues that has led to the mistrust within the market and that is States developing systems in silos.

We must hope that all States follow suit, otherwise our farmers will have gifted interstate water brokers and speculators a wealth of free data. However, it will not come across other State borders by putting our farmers at a significant disadvantage in New South Wales. We are leading the way in transparency measures across the basin States. That is clear and has been highlighted. The Government will continue to work with other States to continue improving access to public information. The Government opposes the bill because it already has measures underway to further improve water market transparency that will strike a better balance than the measures proposed under this bill.

**The Hon. MARK BANASIAK (21:52:05):** In reply: I acknowledge the feedback given by all members, particularly this Government's fierce criticism of the Water Management Amendment (Transparency of Water Rights) Bill 2020. They say those who have nothing to hide, hide nothing. Judging by the vicious way the Government has attacked the need for a transparent water register for more than six months it is clear it must have a mountain to hide. Australians have a right to know who owns our water. It is a right enshrined in Commonwealth law. The Government has had nine full years to enact this law but it has done absolutely nothing. The 2004 Intergovernmental agreement on a National Water Initiative was very specific about what should be included in a water register. It was committed to by all States 16 years ago. The bill before us, as cited by stakeholders in the recent inquiry, ensures that the New South Wales Government upholds its 2004 commitment to create a water register.

It should be noted that when my party finally introduced this legislation for a water register all we have seen from the Government is opposition, criticism and the undermining of it. The Government's ridiculous excuse for opposing this bill is that it violates the privacy of mum-and-dad farmers. It claims a water register will lead to animal activists going onto farms, pulling out crops and sabotaging dams. This is the Government's only excuse for opposing this bill—and what a rubbish excuse it is. Has this Government ever heard of the *White Pages* or the *Yellow Pages*? These directories have names, addresses and phone numbers of irrigators across Australia. Will the Government campaign to have these directories banned for privacy reasons? A water register will not publish personal phone numbers and emails, as suggested by the New South Wales Nationals.

The fact of the matter is it is very easy to see when a real farmer has water, regardless of whether we have a register. You can see the crops growing and the water storages on their farms—not that this Government ever visits real farmers much, but if those opposite did, they could see this. This bill will expose the Sydney trades and foreign companies who own water, not the ordinary Australian farmers. This Government is so concerned with the privacy of so-called mum-and-dad farmers but the truth—and we have seen it in today's very interesting article in *The Weekly Times*—is that the Office of Environment and Heritage is storing water for big foreign corporates.

Those opposite are only concerned about keeping their own names and the names of their big business mates off this register. Next they will be trying to tell us that these guys are mum-and-dad foreign corporates and that it is the mum-and-dad government departments that trade water for profit at the expense of our farmers. It is so nice of the environment Minister that he is willing to help these big water speculators to save money and make a profit.

**The Hon. Wes Fang:** The environment Minister? Who are you talking about—Kean or Pavey? Do you even know what you are doing?

**The Hon. MARK BANASIAK:** If you actually shut up and listened you might actually hear the speech.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** Order! I call the Hon. Wes Fang to order for the first time.

**The Hon. MARK BANASIAK:** Call me old-fashioned, but isn't the environmental water supposed to be used for the environment? What is the environment Minister with the Office of Environment and Heritage doing trading water with big corporate irrigators? What is going on with this unholy alliance between the New South Wales environment Minister, Webster and Duxton Water? How much money did the New South Wales Government charge these big foreign corporates? Was it a sweetheart cut-price deal to help them maximise their profits? We do not know the answers to these questions because water ownership is so secretive in this State. It is another reason we need a transparent water register. It is the reason the New South Wales Government seems so determined to block a water register and stop this bill. We need to know how much water foreign companies own and how much water government departments own. Our taxes are clearly paying for these dodgy deals. It is time to come clean.

In opposing this bill the Government has referenced the recently released Australian Competition and Consumer Commission [ACCC] report into water markets to support its cause. This is one of the most extraordinary pieces of spin I have ever heard. The ACCC is the same group that has failed to deal with fuel price gouging. It is also the same group that openly sided with Uber and stopped taxi companies developing their own app to compete with Uber—let that sink in for a second. Despite my criticisms of the ACCC, if anyone actually read the report, the ACCC is quite scathing of this Government's secrecy and negligence when it comes to water.

The Government is clinging to page 391 of the report, which it believes says something in its favour. It ignores the previous 390 pages, which rip into this Government for its dreadful mismanagement and oversight. But even page 391 does not support the Government's opposition to this bill as it claims. Page 391 states that under the current system a water register would not be that useful. It states that water traders can simply mask their identity when their details are published. This is true under the current corrupt system where it is easier to get a water licence than it is to open a bank account.

Under the New South Wales Government's system a person can buy millions of dollars of water without revealing their name or true identity. They do not even have to show their Australian Business Number [ABN]. This bill addresses that gross flaw in the system. It is not good enough for a company in the Cayman Islands to buy large quantities of water while keeping the names of directors, board members and major shareholders a secret. If you are a corporation, foreign or domestic, and you want to own Australia's most precious natural resource then we the Australian taxpayers deserve to know something about you.

Under this bill, if you apply for a water licence you need to provide the following information: the registered address of the corporation; the corporation's Australian Company Number or, if applicable, its Australian Registered Body Number; the position held by the person making the application on behalf of the corporation; details of any other corporation related to it; the names of the directors of the corporation; and the name of any person entitled to 20 per cent or more of the voting shares in the corporation. This will not only apply to new applications. Under this bill, current water licence holders will be given 12 months from the date that the legislation is enacted to provide this information.

Those are just some of the basic, transparent details that this Government has neglected for nine years. When those details are included, a water register will be valuable. It will be the sort of register that the Australian public is demanding. Under this Government, even the Chinese Government can buy our water and keep its ownership secret. But if this bill is passed, the era of secrecy will finally end. Yesterday the House voted down the Government's woefully inadequate bill. The bill covered only 135 people among thousands who own water; it did not cover foreign companies, political donors or water traders. It would have given the Minister the power to block public access to the register on the grounds of privacy. For MPs, it was not retrospective and it did not cover politicians' spouses. There were too many loopholes for politicians. The oldest trick in the book is for a politician to hide their assets in their husband's or wife's name. If we want to be fair dinkum about water transparency we have to be comprehensive, and we have to do it right.

**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. MARK BANASIAK:** As I said, if we want to be fair dinkum about water transparency we have to be comprehensive. This bill is comprehensive, it is doing it right and I urge the House to support it.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** The question is that this bill be now read a second time.

**The House divided.**

Ayes .....22  
Noes .....16  
Majority.....6

AYES

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

NOES

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

PAIRS

Mookhey

Mallard

**Motion agreed to.**

**In Committee**

**The CHAIR (The Hon. Trevor Khan):** There being no objection, the Committee will deal with the bill as a whole. I have one set of amendments being the Shooters, Fishers and Farmers Party amendments appearing on sheet c2020-117A.

**The Hon. ROBERT BORSAK (22:12:30):** By leave: I move the Shooters, Fishers and Farmers Party amendments Nos 1 to 5 on sheet c2020-117A in globo:

No. 1 **Disclosure of water interests**

Page 7, Schedule 2.2[3] (proposed clause 8A). Insert after line 6—

- (3) If a Member or Member's spouse had a relevant connection with a trust on the primary return date, at any time during the period of 5 years ending on the primary return date or at any time during the ordinary return period, the Member must disclose in a primary return and an ordinary return—
- (a) the water access licence number of each water access licence in which the trust (or a trustee of the trust on behalf of the trust) had an interest—
- (i) in the case of a primary return—on the primary return date or at any time during the period of 5 years ending on the primary return date, or
- (ii) in the case of an ordinary return—at any time during the ordinary return period, and
- (b) the nature of the interest in each water access licence.
- (4) In subclause (3), a person has a *relevant connection* with a trust if the person—

- (a) is a trustee of the trust, or
- (b) is a settlor of the trust, or
- (c) is otherwise responsible for the affairs of the trust, or
- (d) is a beneficiary of the trust.

**No. 2 Disclosure—forms**

Page 7, Schedule 2.2[5], line 16. Insert "If you or your spouse had a relevant connection with a trust (within the meaning of clause 8A(4)) on the date on which you took the pledge of loyalty (or at any time during the period of 5 years ending on that date), you must also disclose the water access licence number of each water access licence in which the trust (or a trustee of the trust on behalf of the trust) had an interest on that date (or at any time during the period of 5 years ending on that date) and the nature of the interest in the water access licence." after "water access licence."

**No. 3 Disclosure—forms**

Page 8, Schedule 2.2[7], line 5. Insert "If you or your spouse had a relevant connection with a trust (within the meaning of clause 8A(4)) at any time during the ordinary return period, you must also disclose the water access licence number of each water access licence in which the trust (or a c2020-117A 5/8/20 11:49 am Page 2 trustee of the trust on behalf of the trust) had an interest at any time during that period and the nature of the interest in the water access licence." after "water access licence."

**No. 4 Disclosure—forms**

Page 8, Schedule 2.2[9]. Insert after line 14—

- (a2) had a relevant connection with a trust, or your spouse has had a relevant connection with a trust (within the meaning of clause 8A(4) of the *Constitution (Disclosures by Members) Regulation 1983*), that has had any interest in water access licences, or on behalf of which a trustee of the trust has had any interest in water access licences, which are additional to those already disclosed in your most recent return, or

**No. 5 Disclosure—forms**

Page 8, Schedule 2.2[10], lines 18–21. Omit all words on those lines. Insert instead—

List in Part 1A in Division B of the return—

- (a) the water access licence number of each water access licence in which you or your spouse had an interest during the supplementary ordinary return period that is additional to the interests in water access licences that you have already disclosed in your most recent return, and
- (b) if you or your spouse had a relevant connection with a trust during the supplementary ordinary return period—the water access licence number of each water access licence in which the trust (or a trustee of the trust on behalf of the trust) had an interest during the supplementary ordinary return period that is additional to the interests that you have already disclosed in your most recent return.

These amendments are very simple. They are an attempt to make this bill more watertight—excuse the pun. It simply means that if a member or a member's spouse has a relevant connection with a trust that has a water interest on the primary return date or at any time during the ordinary return period, the member must disclose in a primary return and an ordinary return. The same form of transparency should be expected from those who hold water in a trust as those who have water as an asset in any other form. It is as simple as that.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (22:13:46):** The Government opposes these amendments. Under the current pecuniary disclosure requirements relevant for members of Parliament, trusts are already required to be declared under section 3.20 of the 2019 members guide for the Legislative Council. Under the section entitled "Matters to be disclosed by members" it is specifically stated that interests held in family trusts also, on the face of it, fall within disclosure requirements. Further to this, income generated from trusts is also adequately covered by section 3.25 of the aforementioned document, which states:

Sources of income include ... income from a partnership or trust ...

Trusts are not an evil thing, but rather a common method for families to manage their estate, particularly in farming communities. The Government does not believe these amendments will deliver on improving the transparency of the water system in New South Wales and that is why we oppose these amendments.

**The Hon. PENNY SHARPE (22:14:50):** Labor believes that the trust is an important inclusion in the pecuniary interests disclosure, and for that reason we will support the amendments.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendments Nos 1 to 5 on sheet c2020-117A. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The CHAIR (The Hon. Trevor Khan):** The question is that the bill as amended be agreed to.

**Motion agreed to.**

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

That the Chair do now leave the chair and report the bill to the House with amendments.

**Motion agreed to.**

### Adoption of Report

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

That the report be adopted.

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**The House divided.**

Ayes .....22  
Noes .....16  
Majority.....6

#### AYES

Banasiak  
Buttigieg (teller)  
Faehrmann  
Hurst  
Mookhey  
Primrose  
Secord  
Veitch

Borsak  
D'Adam (teller)  
Field  
Jackson  
Moriarty  
Roberts  
Sharpe

Boyd  
Donnelly  
Houssos  
Latham  
Pearson  
Searle  
Shoebridge

#### NOES

Amato  
Farlow  
Harwin  
Martin  
Nile  
Ward

Cusack  
Faraway (teller)  
Khan  
Mason-Cox  
Taylor

Fang  
Franklin  
Maclaren-Jones (teller)  
Mitchell  
Tudehope

#### PAIRS

Graham

Mallard

**Motion agreed to.**

### Documents

## KOALA POPULATIONS AND HABITAT

### Production of Documents: Order

**Ms CATE FAEHRMANN:** I move:

That private member's business item No. 612 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (22:27:09):** I seek leave to amend private member's business item No. 612 standing in my name on the *Notice Paper* for today as follows:

- (1) In paragraph (b) omit "all documents" and insert instead "all reports and assessments".

- (2) In paragraph (e) omit "communications and advice" and insert instead "advice on koalas".

**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 the passing of this resolution the following documents in the possession, custody or control of the Minister for Energy and Environment, the Minister for Regional New South Wales, Industry and Trade, the Department of Planning, Industry and Environment, the NSW Environmental Protection Authority and Forestry Corporation:

- (a) surveys of the impacts of the 2019-20 bushfire season on koala habitat and populations;
- (b) all reports and assessments regarding the impacts of logging on threatened species habitat after the 2019-20 bushfire season;
- (c) all documents regarding mitigation measures and additional conditions introduced to reduce the impact of logging operations on threatened species and threatened species habitat after the 2019-20 bushfire season;
- (d) minutes of all meetings by the NSW Koala Strategy Independent Expert Advisory Panel, the NSW Koala Strategy Board and the NSW Koala Strategy Interagency Committee created since 8 May 2018;
- (e) briefs, board papers, advice on koalas provided by or to the NSW Koala Strategy Independent Expert Advisory Panel, the NSW Koala Strategy Board, the NSW Koala Strategy Interagency Committee and the NSW chief scientist created since 8 May 2018;
- (f) any responses or comments from the NSW Koala Strategy Interagency Committee on the implementation of the Koala Strategy or on the whole-of-government response to Portfolio 2817 Legislative Council Notice Paper No. 48—Wednesday 5 August 2020 Committee No. 7 - Planning and Environment's report No. 3 entitled *Koala populations and habitat in New South Wales* created since 8 May 2018; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion calls for the production of documents in relation to surveys undertaken for the Minister for Energy and Environment by National Parks and Wildlife Service staff in relation to the impact of the bushfires on koala habitat and populations as well as other threatened species habitat. We have heard about the enormous destruction that has occurred. Some 5.2 million hectares of forests in New South Wales were impacted or burnt by the fires. We have heard the response of the State environment Minister as well as that of the Federal environment Minister. They said they would act very swiftly to see what they could do in relation to the severe impact on threatened species and koalas.

So far we have seen a bushfire recovery plan from the Minister for Energy and Environment but very little has happened since February. We have been assured that various committees, such as the NSW Koala Strategy inter-agency committee, have been hard at work since the fires developing plans of actions. However, when websites are searched to try to find any action taken by this Government since February to address the significant impact of fires on threatened species habitat and koalas nothing comes up. That is four to five months ago.

In fact, we have heard horrendous reports from organisations that have conducted ecological assessments of some forests that were severely impacted by the Black Summer bushfires. We have heard statistics such as 90 per cent of all threatened species habitat lost, 90 per cent of all koalas in those forests lost. I have heard from ecologists and experts, from within the department and outside, who believe that the scale of loss is so extreme that it has not yet been made public. In fact, if we have lost more threatened species habitat, more koalas and more threatened species in New South Wales than has come out publicly, it is extremely important for the public to know that so that everything can be done to ensure that more habitat is protected for koalas and threatened species.

At this stage every day and every month counts. The inaction to date has been inexcusable. Given the severity of the situation, the public should have seen the results of the surveys months ago and should now be confident that the Government is taking action to address what we fear are huge losses. Yet, we have no real way of telling until we receive the results of the surveys. Given the overwhelming public interest in the damage the fires have done to our wildlife and in what the Government plans to do about it, particularly in relation to our koalas, I hope all members will support the motion.

**The Hon. CATHERINE CUSACK (22:31:44):** The Government does not support the motion. The Government is focused on improving prospects for koala populations across New South Wales, particularly given the impact of the 2019-2020 bushfires. In its current form the motion would be counterproductive to that effort. It would require a significant diversion of staff resources within the NSW Department of Planning, Industry and Environment and the NSW Environment Protection Authority [EPA]. NSW EPA staff have responsibility for ensuring that any active harvesting operations in New South Wales occur in compliance with the regulatory framework. Forcing staff to spend extensive periods of time trawling through documents does not assist those efforts.

The Minister has set an ambition to double the koala population by 2050. That ambitious goal will require the input of experts, led by the NSW Chief Scientist & Engineer, to pull together a plan to make it happen. That effort will be impacted if the office of the NSW Chief Scientist & Engineer is required to spend all its time responding to the motion and providing documents dating back to 2018. Portfolio Committee No. 7 - Planning and Environment, chaired by Ms Faehrmann and of which I am a member, only recently completed an inquiry into the New South Wales koala population. The inquiry ran for over a year and had access to numerous experts, including those in the NSW Department of Planning, Industry and Environment, staff of the now Department of Regional NSW, the NSW EPA and the Forestry Corporation of NSW. The inquiry was extended so that the committee could have the most relevant and up-to-date information after the fires.

Government members also contributed to that work to ensure the committee could produce a considered report. The committee's report was bipartisan. It was an excellent committee and an excellent experience. That is the approach that we are seeking to take. The Government received that report only recently and will respond to it. However, it is not reasonable, having recently completed that significant piece of work, to then request further documents that could have been dealt with within the scope of the inquiry process. For those reasons, the motion is not supported.

**The Hon. MARK PEARSON (22:34:14):** The Animal Justice Party will most definitely support this motion. We have an animal and native habitat destruction crisis, which the world has been looking at. The inquiry, which I was fortunate to be part of as the Deputy Chair, is not over. Yes, it has taken a year, but there have been a lot of circumstances that koalas and other wildlife have had to face, including the drought and the ravaging fires. It is critical that the committee, the public and this Parliament see the assessment of what has happened to the numbers of animals: how many have died and how they have died. At the end of the day, we cannot really come to a conclusion to make recommendations to the Government until we have seen the documents and assessments in question so we can be as informed as possible as to what strategy should be in place.

The Animal Justice Party is not heartened by what the Federal and State governments have not done. They are still allowing commercial killing of kangaroos, clearing of land for development and logging in critical areas while we have no idea how many animals have died and how much habitat has been extinguished. Whatever the assessments were in the middle of last year or before are null and void and absolutely unreliable at this point. We must see what the situation is for those animals after the fires and drought. We do not know and we cannot move until we do. The Animal Justice Party totally supports the motion.

**The Hon. PENNY SHARPE (22:36:36):** Labor will support this call for papers. This is an update on the documents that we recently looked at closely through the koala inquiry. I agree with the Hon. Catherine Cusack that it was a very important inquiry, which had a very serious finding: Koalas are on track to be extinct in this State by 2050. Urgent action is needed. It is simply not true that requiring these documents to be provided will somehow massively move away from the desperately needed efforts to protect koalas. Labor does not believe this call for papers is overly arduous. I note that Ms Cate Faehrmann also narrowed the terms of the motion by leave of the House, which shows that members supporting the motion are serious about getting the documents that we need without putting an undue burden on departmental staff. It is perfectly reasonable for this House to ask for such documents; they are incredibly important, given the findings of the koala inquiry.

**Ms CATE FAEHRMANN (22:37:42):** In reply: I thank the Hon. Catherine Cusack, the Hon. Mark Pearson and the Hon. Penny Sharpe, who spoke to the motion. Regarding the Hon. Catherine Cusack's contribution, I note that the inquiry tried to seek more information on the surveys that were done but no information was forthcoming. We were simply told that that information would come about at some stage in the future. We had to make our findings based on a lot of other information we could pull together. The fact of the matter is that the Government has been researching this issue and making those surveys for months. The NSW Koala Strategy advisory panel has been meeting to make action points. I think it is very important that it is made public sooner rather than later.

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

**The House divided.**

[In division]

**The PRESIDENT:** With the concurrence of the House, I will extend the bells by another minute due to problems with the lifts.

Ayes .....21  
Noes ..... 16  
Majority.....5

## AYES

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

## NOES

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

## PAIRS

Graham

Mallard

**Motion agreed to.***Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS****The Hon. NATASHA MACLAREN-JONES:** I move:

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

**Motion agreed to.****ORDER OF BUSINESS****The Hon. NATASHA MACLAREN-JONES:** I move:

That the order of private members' business for today be amended by calling on private members' business item No. 563 outside the order of precedence standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding department and agency assets—Department of Education forthwith.

**Motion agreed to.***Documents***DEPARTMENT OF EDUCATION ASSETS****Production of Documents: Order****The Hon. COURTNEY HOUSSOS:** I move:

That private members' business item No. 563 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (22:52:09):** I seek leave to amend private members' business item No. 563 outside the order of precedence for today of which I have given notice by omitting paragraph (c), "the Asset Register; and".

**Leave granted.****The Hon. COURTNEY HOUSSOS:** Accordingly, I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Education, TAFE Commission or the NSW Education Standards Authority relating to department and agency assets:
  - (a) all Strategic Asset Management Plans;
  - (b) the Asset Management Plans; 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 NSW Department of Education provide indexes for any papers returned in hardcopy in no less than 12-point font and in electronic copy in a searchable format.

Labor has spoken to the education Minister and come to an agreement to facilitate the order for papers under Standing Order 52 in relation to the future strategic asset planning for our public schools, which is incredibly important, given the current projections for the Sydney metropolitan area, in particular.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (22:53:02):** The Government will not oppose the motion. I acknowledge the Hon. Courtney Houssos and the Leader of the Opposition for the amendment that was made to the motion. Given that this is one of the largest education systems in the world, it would have been incredibly difficult to fulfil that part of the order. This is a sensible resolution and the Government will not oppose the motion.

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

**Motion agreed to.**

*Business of the House*

**POSTPONEMENT OF BUSINESS**

**The Hon. PETER PRIMROSE:** I move:

That private members' business item No. 608 be postponed until a later hour.

**Motion agreed to.**

*Documents*

**AUDITOR-GENERAL**

**Report: Their Futures Matter**

**Debate resumed from 4 August 2020.**

**The Hon. PENNY SHARPE (22:54:29):** Over 17,000 children and young people currently cannot live safely at home with their birth parents. Those children are no longer able to live with their parent or parents and our child protection system has found that, as a result of neglect or abuse, they must be taken into the care of the State. For every child in this situation there is a story of trauma, too often intergenerational. The abuse and neglect they have suffered is beyond what most of us here could ever imagine. Of those 17,000 children and young people, 40 per cent are Aboriginal or Torres Strait Islander. Let us remember that Aboriginal children make up only 5 per cent of our population of zero to 17-year-olds. There can be fewer more important tasks than caring for children and young people who, through no fault of their own, have suffered so much. Every one of those children is precious and every one of them deserves to have the support they need to not just survive but to thrive.

The child protection system that New South Wales has built over many years is the result of complex histories and well-intentioned reforms. There are many good stories where children have found foster carers or kinship carers or guardians, people who have given these kids the homes and support they need. There are many child protection and family support workers that do some of the hardest work in our community and get up every day passionate about building a better community for every child. But the tragic reality is that our child protection system is littered with multiple failures and reforms. It is also littered with over-promising from this Government and it is failing to meet the needs of children and young people who need our help, now more than ever.

The Liberal-Nationals Government, under the leadership of first Barry O'Farrell, then Mike Baird and now Gladys Berejiklian, has been in power since 2011—over nine years. It was the Tune report commissioned by Mike Baird in 2015, which was finally released in 2018, that found that the out-of-home care system was, "failing to improve long-term outcomes for children and arrest devastating cycles of intergenerational abuse and neglect". The system was declared to be ineffective and unsustainable. The report states, "outcomes are particularly poor for Aboriginal children, young people and families". Their Futures Matter [TFM] was the key response to the Tune review, trumpeted by this Government as a whole-of-government reform aimed at delivering improved outcomes for vulnerable young people, children and their families. The Auditor-General's report notes that the purpose of the reform, as stated by the former community services Minister Prue Goward, was intended to:

'Place vulnerable children and families at the heart of services. It brings together all New South Wales Government agencies, non-government organisations and the community to deliver the right supports. This groundbreaking initiative will see a complete shift in how government responds to vulnerable children and families.'

TFM was expected to lead a system transformation, driven by an investment and commissioning approach to ensure that funding and programs are directed to where they deliver the greatest social and economic benefits.

The reform aimed to achieve five key strategic outcomes:

1. every child gets the best start and families have access to information and opportunity for self service
2. a whole-of-government investment approach is in place to ensure more effective and efficient allocation of resources
3. children, young people and families receive a streamlined, multi-disciplinary response appropriate to their needs
4. more children and young people are safe at home, reducing entry into OOHC and preventing escalating risk
5. communities are equipped to support children, young people and families.

The success of the reform hinged on appropriate governance, cross-agency collaboration and capacity to evaluate, select and prioritise initiatives in order to direct investment into effective early intervention supports. These are the focus areas of this audit.

Let me start by saying that that was the purpose of the reform. To deliver this reform, the Government provided \$190 million over four years from 2016 to 2019-20. I will take the House to the leading finding of the most recent Auditor-General's report, which was released on 24 July. I have told the House its purpose. This is what the Auditor-General found after four years and \$190 million: The governance and cross-agency partnership arrangements used to deliver the Their Futures Matter reforms were ineffective. Important foundations were put in place, and new programs trialled over the reform's four years. However, an evidence based whole-of-government early intervention approach for vulnerable children and families in NSW—the key objective of the reform—was not established. The reform concluded in June 2020 without a strategy or plan a place to achieve its intent.

It does not get much more scathing than what the Auditor-General has said about the key signature reform that the Government put in place to try to look after the most vulnerable kids in our community. I will point out a few of the other key findings of this damning report. It stated that at a cost of \$190 million over four years, just 6,261 vulnerable children and families were assisted by the reforms. The TFM unit itself estimated that over 40,000 children and their families were the cohort populations that this reform intended to target. The actuarial modelling done as part of the project estimated that in New South Wales there are over 263,000 vulnerable children and young people. Think about that—there are 260,000 vulnerable young people and yet we have only supported 6,261 kids over four years. The Auditor-General found a litany of problems with the program. As I said before, it stated that the governance in cross-agency partnerships was ineffective. The key objective of the reform was not established and Their Futures Matter did not realise its policy intent. The reform concluded in June 2020—and let us remember that we are in August 2020—without a strategy or a plan in place for the future.

The Auditor-General also found that there was a lack of independence, authority and whole-of-government effort. In one of the most damning findings, the Department of Communities and Justice apparently did a budget bid for the upcoming budget in 2021 but did not go ahead with it. There is no strategy in place to take on any of the work that the money has been spent on in the past four years. I will talk specifically about some of the findings in the report, but I will say upfront that I do not pretend for a minute that dealing with vulnerable children, the complexities of their families and the intergenerational trauma is easy in any way. All governments have struggled with this over the years, but the failure of this key reform cannot go unnoticed and we have to understand what went wrong.

A key finding was that the governance arrangements were not effective to deliver reform. Let us remember that the Tune review wanted the Government to set up a standalone family commission. The idea was that the money would be pooled across agencies on the understanding that child protection on its own cannot do this work. Health, justice and education are all part of making this work. The idea was that money would be pooled, that an evidence-based approach would be put together and that we would start reshaping the millions of dollars that go into a sector that delivers very poor results. Straightaway that was ruined because the Government decided that it would set up something within Family and Community Services. It lacked the clout to achieve what it was required to do. It was set up to fail.

Some positive work was done in relation to building an evidence base and some great work was done on datasets—all of us support the need to be able to measure what we do. But again the Auditor-General's report stated that although this data was collected it was "not used to make key decisions on reprioritising funding or on scaling up promising or proven pilots before the end of the TFM reform period". We have the data, we have just done absolutely nothing with it. The model showed that we do not have enough evidence to drive greater direction of resources from crisis to early intervention. The key is that we need to provide support to kids at risk as soon as they come to the attention of the Government. Let us not forget that the most recent risk of harm reports show that we have a record number of reports—over 111,000 to the end of 2019—but less than one-third of kids have ever seen a caseworker. We cannot get this right until we get early intervention and reporting right and until the

department has enough resources to respond to the calls for help from the kids who are being abused and neglected in this State.

There is significant commentary in the Auditor-General's report about the lack of buy-in from the Government from the get-go. Despite trumpeting it and getting the press releases out there, the Government never established a subcommittee of Cabinet and there was never any enabling legislation to force departments to work with one another. The reform was basically limited over time. It started off with a few secretaries in key departments working on it, but as time went on they just kept delegating it to the most junior public servants who had no ability to make any decisions. As a result, nothing changed. The question is: Where was the Minister throughout this entire process? A series of Ministers trumpet and issue press releases and then completely leave the program and do not deal with it.

A couple of other issues are driving this home. We still do not have the risk of serious harm reports in any way under control. Record numbers of over 110,000 kids a year are reported to the helpline and two-thirds of them are not seeing caseworkers. The most disturbing part of these most recent figures show that 39.5 per cent of kids who have been reported at risk of serious harm are being re-reported within a year of their cases being closed by the Department of Communities and Justice. It is a complete failure of one of the Premier's key metrics in relation to vulnerable children. The figure should be at around 32 per cent, but it is getting worse with 40 per cent of kids re-reported. If a kid gets reported and the department does not have the resources to properly investigate and assess the report, the case gets closed. They are getting reported again. Unless we come to grips with this we are not going to change the figures at all.

I refer members particularly to the Their Futures Matter reform deliverables and progress made. It is a litany of all talk and so little action. I encourage people to read that table, and be disgusted and appalled at the lack of progress. I encourage members look at exhibit 13 on identified key populations on page 34: Children under 12 in residential out-of-home care who are not co-located with a sibling; vulnerable young parents, 25 years and under; vulnerable children aged zero to five; Aboriginal vulnerable young parents 25 years and under and their children, zero to five; children aged 10 to 17 who are in contact with the juvenile justice system, with a focus on children in remand; children aged five to 12 in out-of-home care with behavioural or psychological needs and/or a disability and may be in contact with the justice system; and children aged 14 to 16 in non-residential out-of-home care and with non-custodial contact with the justice system. Suffice to say that the department will say, "We had a pilot for that. We had a program for that. It was terrific." for every single one of them.

There is absolutely no plan to continue any of it into the future. Aboriginal children and young people remain vastly over-represented in out-of-home care. They make up 40 per cent of the kids in care, yet Aboriginal children are only 5 per cent of our population. I credit former Minister Brad Hazzard for establishing the *Family is Culture* report and asking Professor Megan Davis to conduct it. It is a very good independent report that made 125 recommendations for change at the end of last year. I despair at the Government's response to commit not one extra dollar into that sector. It made a four-page response that did not even touch the sides of dealing with the recommendations in the report. It will not progress any further.

It is rare to get such a damning report from the Auditor-General on the failure of programs that are so important to vulnerable children and young people. The Minister for Families, Communities and Disability Services, Gareth Ward, has had responsibility for this portfolio for over a year now. He has failed to turn any of this around. We are now in August 2020 and this program ran out in June 2020. There has been no budget bid. There is no strategy. There is no plan going forward. The Minister has been absolutely silent about how we are going to turn around the shocking numbers of the kids in out-of-home care. I remind members that 17,000 kids cannot live with their families for a range of horrific reasons. There is no bigger and more solemn promise than we give to a child when we remove them from their family that we are going to look after them. We are failing to do that every single day.

**Mr DAVID SHOEBRIDGE (23:09:18):** On behalf of The Greens, I speak to the extremely distressing material contained in the Auditor-General's performance audit of Their Futures Matter [TFM]. Their Futures Matter was the Government's key response to the 2015 *Independent Review of Out of Home Care in New South Wales*, which is known as the Tune report. Members of this House will recall the struggle that we had some two or three years ago to force the release of the Tune report, which had been delivered to the Government in 2015 and then was only forced by a majority in this House to be released by the Government under Standing Order 52.

The Government's response to the Tune report was launched in 2016 and was badged as Their Futures Matter. It was said to be "a whole-of-government reform aimed at delivering improved outcomes for vulnerable children, young people and their families". That was the badging and was the promise. With that promise came a significant amount of money. The Government allocated some \$190 million specifically for delivering the TFM reform between the financial years of 2016-17 and 2019-20. That included a bit over \$100 million for evidence-based programs, implementation and establishment; \$8.7 million for system transformation;

\$5.4 million for the liability modelling and investment approach; \$13.1 million for TFM unit operating expenditure; \$36.9 million for the TFM implementation team; and then another \$23.8 million for what are described as "other funded programs".

In addition to that, the Their Futures Matter team was also given access to funding under what was called the Keep Them Safe funding pool. That was finalised in December 2017 and was valued at \$381 million in 2019-20. For 2020-21, the investment pool is valued at \$387 million. The combined sum of money allocated to Their Futures Matter is some \$957 million for the most vulnerable kids in the State. Disturbingly, some \$16.9 million of that went just on consultancy fees. What did we get for that \$957 million and, more importantly, what did those most vulnerable children get? The Auditor-General says it was very, very little—disturbingly little. I will read onto the record some of the key findings from the Auditor-General. In relation to governance arrangements, the Auditor-General found:

Governance arrangements were not effective to deliver the intent of the reform.

This is the key failing in this entire program. Page 2 of the audit report states:

The governance arrangements for TFM diverged from those that the Tune Review had recommended to drive system change. The former Department of Family and Community Services (FACS) established governance entities within the cluster rather than creating a new stand-alone authority as proposed by Tune (the 'Family Investment Commission').

TFM was not independent of FACS and the child protection and out of home care (OOHC) systems which the reform was intended to transform. The governance arrangements were unable to secure support from ministers beyond the FACS portfolio, and the reform struggled for visibility and traction against other government priorities.

That is utterly predictable because Tune had recommended a separate Family Investment Commission to address the very reasons TFM failed. He said that unless you have a standalone commission that is able to direct the different agencies to cooperate and send the resources where they are needed, any reform will inevitably fail—that is what Tune said. The Government ignored the recommendation, spent \$957 million and it failed. Further findings—I will not read all the adverse findings; pretty much every finding by the Auditor-General was adverse—include that the Auditor-General also found:

The TFM Board and TFM Unit were tasked with establishing an investment approach for supporting vulnerable children and families, but not given sufficient powers to do so.

It went on:

While TFM has laid important foundations on which further work could be built to achieve the reform deliverables and objectives in the future, few of the original deliverables have been realised to the extent expected within the four-year timeframe of the reform. What was ultimately delivered was limited to pilots and other foundational work. These outputs were necessary prerequisites but did not reach the point of shaping statewide resourcing, service planning or commissioning during the reform period.

The partial progress made in turn limited the scale and reach of the reform. While the TFM Unit estimated that over 40,000 children and families were in the cohort populations that the reform intended to target, and the actuarial modelling estimated there were at least 263,000 vulnerable children and young people in NSW, collectively the TFM program pilots have supported a small proportion: 6,621 individual children, young people or parents. I stop there: 263,000 vulnerable kids, and this \$957 million program reached some 6,621 children, all in pilot programs, none of which have continued. Perhaps the most disturbing element in the Auditor-General's report is this: TFM prepared a business case to seek additional funding for promising pilots beyond the life of the reform, but the Department of Communities and Justice did not progress this in its agency bid for the 2020-21 budget. There was no strategy in place for building on these supports beyond the life of the reform to achieve its policy intent. Even the department itself just killed all the pilots, even the pilots that worked, that were proven to work and that the data showed were working. They killed them all; none of them has been funded—dead in the water. The Auditor-General then made the following recommendations:

The audit found that Their Futures Matter did not realise its policy intent. A range of the reform's objectives remain outstanding, including the need:

- for cross-portfolio leadership to establish a whole-of-government investment approach
- for cross-agency action to redirect funding in the TFM pool to better target evidence-based earlier interventions
- for robust service mapping and comparative evidence of what works best across agencies to respond to the needs of vulnerable children and families in NSW at the first sign of vulnerability
- to repurpose or decommission programs and services that are comparatively less effective.

Basically, everything that TFM was meant to do now needs to be done because it has achieved none of its goals, especially in relation to the children who are most likely to be taken from their families, taken from their communities and taken from their countries—Aboriginal kids. Tonight, 40 per cent of the kids in out-of-home care or in foster care in this State are Aboriginal kids and they make up less than 5 per cent of the population of kids in this State. In fact, even though the overall number of kids in care has decreased, the proportion of Aboriginal kids has increased under this Government's watch—it has increased now to 40 per cent. The Auditor-General identifies the following work that is essential:

- h) ensuring Aboriginal representation in relevant government arrangements and all key decision points.

That has not happened to date. It did not happen under TFM and it needs to happen. The Auditor-General continues:

- i) developing and implementing a plan in partnership with Aboriginal services, families and children to address the areas for improvement identified by the Tune and other relevant reviews.

Since then we have had the *Family Is Culture* report delivered, which contained 125 recommendations. One of the key recommendations in the *Family Is Culture* report is that it cannot be left in the hands of Family and Community Services, that we need an independent commission to direct the resources. Does that key recommendation from the *Family Is Culture* report sound familiar? Yes, it does, because it was the key recommendation from the Tune report. Once again, the Government's response to the *Family Is Culture* report, which was released only a month ago, ignores that key recommendation; it does not adopt the need for a Family Investment Commission. It was the key recommendation of Tune, it is the key recommendation of the *Family Is Culture* report, the Auditor-General points out that it is the reason that the Their Futures Matter reforms failed and yet, again, the Government has squibbed it and has just handed it all back to Family and Community Services [FACS] as though FACS is going to be able to reform itself and redirect the funding where it is needed.

We are not talking about whether a bridge is built, a stadium is built or a motorway is built. We are talking about 17,000 kids at the moment, taken from their families, without a mum and dad, without a family, allegedly in the care of the Minister, whom we are failing. If this is not a wake-up call to this Government to go back to look at that key recommendation from the Tune report, which is to establish a Family Investment Commission, and to go back and look at the *Family Is Culture* report and establish an independent commission and finally walk in partnership with Aboriginal communities instead of stealing their kids, I do not what is.

**The Hon. NATASHA MACLAREN-JONES (23:18:25):** The Their Futures Matter reform is delivering for vulnerable children and young people in New South Wales. The independent review that triggered the Their Futures Matter reform projected that, even if its recommendations were fully implemented, the number of children in out-of-home care would continue to rise, with 2,500 more children in care within four years. I am advised that, in fact, the number of children in care has fallen, not risen, over that time. Just prior to the start of the reform, New South Wales had the fourth-highest rate of children coming into care in New South Wales. I am advised that we now have the lowest rate for all children and the second-lowest rate for Aboriginal children.

These reforms have provided a strong foundation for continuing to improve responses to vulnerable children and families. In particular, I am advised that the New South Wales Government has developed an investment approach and has used it to reprioritise Education, Health, and Communities and Justice funds not under contract and available for reprioritisation. The Government has also implemented evidence-based family supports at scale that have supported more than 2,500 children—half of them Aboriginal—and which interim evaluation shows are effective in helping children remain safely at home. In addition the New South Wales Government has put in place robust cross-agency governance mechanisms. Current projects to reduce the number of young people on short-term remand and integrated responses to children in western New South Wales in their first 2,000 days of life are examples of effective cross-agency work to drive local commissioning. The cross-government TFM implementation board is being replaced with new governance arrangements before the end of 2020.

The objectives of the 2016 reform remain, but the means of delivering some of them have changed. In mid-2019 the New South Wales Government merged the Department of Family and Community Services, and Justice to improve earlier intervention for vulnerable children and families and to pool formerly separate funds linked to those goals in a single agency. In response to the Tune review, the New South Wales Government has also established an evidence bank and data partnership to build evidence of what works, establish benchmarks for evidence quality and investment approaches to social policy, and progressively catalogue the costs and benefits of different policy interventions.

**Mr David Shoebridge:** Point of order: My point of order is relevance. This is a Standing Order 57 debate on the Auditor-General's report. We have not heard one word about the report.

**The PRESIDENT:** The Parliamentary Secretary was being generally relevant. The Parliamentary Secretary has the call.

**The Hon. NATASHA MACLAREN-JONES:** I am advised that the New South Wales Government's Data Analytics Centre will take over management of the Human Services Data Set, which is being updated and expanded, and is fundamental to understanding the needs of priority cohorts of vulnerable children and young people. NSW Health is leading collaboration across government and non-government agencies to deliver the First 2000 Days vulnerable families strategy. I am advised that in particular our reform commitment has seen nearly 35 per cent fewer Aboriginal children and young people entering out-of-home care in 2018-19 compared with 2015-16. That is the largest reduction of Aboriginal children entering care in the past decade.

The Minister for Families, Communities and Disability Services in the other place has asked that I draw the attention of members of the House to one of the evidence-based services funded through the reforms called the Nabu Demonstration Project. Investment into Aboriginal community-led programs with an evidence base is critical to the growth of an outcomes-driven sector. The programs that Nabu delivers are trailblazing. It is an early intervention and intensive family support service that works with Aboriginal families living in southern New South Wales. The Nabu program has been developed with local community insight and co-design, and is supported by data and research to produce an evidence-informed model. The program aims to strengthen Aboriginal families in this area in a way that maintains their connections to culture and country.

We must enable Aboriginal organisations to get in early to strengthen families to reduce risks to the safety, welfare and wellbeing of children. Our legislation compels us to do this. We are required to preserve families in the first instance, to work intensely with families to build them up and to address issues impacting them so that children who cannot remain at home at that point can return safely. That is what the program is about, keeping families together and getting families back together. Evidence-based programs are the future of the New South Wales service system and Nabu is taking a positive step towards that approach. We must confirm the positive impact that programs have on children and families. Evidence-informed programs like Nabu are developed in a way that enables us to know when we are effective.

The program is an investment in Aboriginal families and aligns with the suite of evidence-based, early intervention programs commissioned by TFM. The Minister is particularly invested in the impact that Nabu can have on Aboriginal children in local communities. It is right that Aboriginal community-controlled organisations are empowered to support their communities by leading the new approach. By establishing Aboriginal community-controlled organisations, we are empowering Aboriginal people to support and look after their communities again. Improved outcomes for Aboriginal children, young people and their families is at the forefront of the New South Wales Government's priorities.

The wellbeing of a relatively small number of vulnerable citizens rests on the performance of billions of dollars invested by the New South Wales Government each year in our social support system. The *Forecasting Future Outcomes* report details that 7 per cent of people under the age of 25 today will account for half of the estimated \$100 billion cost of the New South Wales Government's social services by the time they are 40 years old. Every citizen and New South Wales Government agency has a stake in a successful investment of these funds. By prioritising evidence-based prevention and early intervention across the whole social support system and adopting a rigorous investment approach, we can improve the life outcomes of vulnerable cohorts and avoid the social and financial costs associated with the preventable disadvantage they experience.

This approach is deeply rooted in the values and proven principles of evidence-based prevention and early intervention to build the capability of vulnerable individuals, families and communities so they become more self-reliant and achieve their full potential. To achieve this objective, we are implementing a range of therapeutic programs for family preservation and restoration, including Functional Family Therapy through Child Welfare [FFT-CW] and Multi-systemic Therapy for Child Abuse and Neglect [MST-CAN]. These were developed at the Medical University of South Carolina to address underlying trauma that results from harm to children, young people and families. The intervention is provided to families for a period of six to nine months depending on the needs of the family.

The model is a treatment for high-risk children and their families, targeting families where the children experience physical abuse and/or neglect. It also addresses the multiple factors known to be related to physical abuse and/or neglect across key behavioural systems embedded within the family. It seeks to promote behavioural change in the family's natural environment, using the strengths of each aspect of their life, including family, peers, school, neighbourhood, kinship and support networks to facilitate change. It trains staff and provides them with the protocols and quality assurance of the service response. This includes working with the family to overcome risk factors leading to abuse and/or neglect of the child. It also uses and develops the family's broader social and family network as part of the service approach. It is heartening to hear firsthand from families that have been engaged in the program. One mother who completed the program said:

I have seen a massive change in all four of my children ... now we've learnt and I want them to learn from us.

The New South Wales Government is committed to ensuring every child, young person and family reaches their full potential in this State.

**The Hon. MICK VEITCH (23:27:23):** I want to speak about part of the Auditor-General's report which the previous speaker probably missed. Standing Order 57 has not been used many times in this Chamber. This is possibly the third time and there is good reason for that. It is reserved for debates just like this about reports just like this. I know the previous speaker did not want to talk about these matters but here are some of the statements the Auditor-General made:

This audit found that Their Futures Matter did not realise its policy intent.

The report goes on to say that a range of the reform's objectives remain outstanding. In the "Conclusion" the Auditor-General noted:

The governance and cross-agency partnership arrangements used to deliver the Their Futures Matter reform were ineffective.

This is a scathing report, yet the previous speaker glossed over it. The member did not even mention this report. The Government has failed and if Government members read the Auditor-General's report they would know they have failed. The Minister should be in the Chamber for this debate because it is such an important matter. This House went to great lengths to get the Tune Report. This House considers matters like this to be of the utmost importance. Yet no Minister at all is in the Chamber for this debate. The Government's contribution to the debate is to gloss over the fact that we are talking about the Auditor-General's report under Standing Order 57. The previous speaker did not even mention the Auditor-General's report. I think that is shameful.

The Auditor-General report provides a long list of recommendations, under "2. Recommendations". I would have thought the Government's contribution to this debate would have spoken about what it was going to do to address those recommendations but there was not even a mention. I think the Minister is not taking this report seriously enough. The contribution from the Hon. Natasha Maclaren-Jones—which was clearly made on behalf of the Minister or perhaps even the department—was not what is required in this debate. I recall a previous debate that took place under Standing Order 57—maybe the first one—on a scathing report into what was then the Department of Lands. The Minister of the day made a contribution to the debate, only to have to come to the House the next day and admit that he may have misled the Chamber. At least that Minister spoke to the report. I recommend to all honourable members to get a copy of the Auditor-General's report. It is a scathing report on this program. The Government can do a darn sight better when it comes to debates under Standing Order 57 than to take note of these reports.

**The Hon. MATTHEW MASON-COX (23:30:57):** I have been a member of this place for just on 14 years and I have read a lot of Auditor-Generals' reports. I have never, ever seen such a damning report from an Auditor-General on any issue of public policy in this State. The Their Futures Matter program has been an abject failure on every count. I commend the detailed summary of the findings of the Auditor-General's report given by the Hon. Penny Sharpe. She went into detail the Auditor-General's findings in reviewing the program. It is so tragic that it has come to this. As members have mentioned time and again, this is a critical area of public policy. These are our children; they will inherit what we leave them. The most important thing we can do in this place is to safeguard their future and give them every opportunity to succeed. As a member of this place who has contributed to debates on these issues and sought stronger governance, accountability and transparency in this area, it is very distressing to see this program flying in the face of all that it should be doing.

I cannot help but recall the debates in this place on the Tune report, the release of that report and the way in which that very important information was denied to this Chamber for some time. I recall also the very important committee chaired by the Hon. Greg Donnelly which, in an almost parallel inquiry, looked into the child protection system and independently came to the same conclusions as the Tune report: that we need a stadium-esque investment in early intervention in this critical area and that we must have an independent statutory body to direct that investment. That was the unanimous report of that important committee. Sadly, the Government has not acted on that report. Sadly, the Government has not acted on the Tune report. The result is this damning report of the Auditor-General. It is worth having a closer look at the findings and recommendations. One need not go past the conclusion, which sums up the tragedy of this whole matter. I read a quote from the Auditor-General:

The governance and cross-agency partnership arrangements used to deliver the Their Futures Matter reform were ineffective. Important foundations were put in place, and new programs trialled over the reform's four years. However, an evidence-based whole-of-government early intervention approach for vulnerable children and families in NSW—the key objective of the reform—was not established. The reform concluded in June 2020 without a strategy or plan in place to achieve its intent.

It does not get any worse than that, and it goes on and on. Honourable members have mentioned the recommendations and the fact that the governance of this very important area has failed completely.

I choose to use the balance of my time to reflect on the things that can be done to correct some of the issues that have been highlighted by the report. I acknowledge that there has been a reduction in the amount of children who have gone into out-of-home care over the past 12 months, but it is important to acknowledge that in the context in which it has occurred. There has been a reduction in the number of children in out-of-home care, including Aboriginal children. That is very welcome; we all understand the problems that occur when children, particularly those of Aboriginal descent, go into out-of-home care. We understand where some of those pathways lead. However, we are not dealing with the fundamental problem, which is the reporting of serious harm at the front end of the system. The system is predicated on a report being made when a child is at risk of serious harm. A report through the children's helpline is meant to manifest action on behalf of the State to intervene and assist that child. By the State's own criteria, a child has been assessed as at risk of serious harm.

A massive unmet need at the front end of the system is simply ignored. Previously, the unmet need was in the order of 50,000 children every year. Over the past three years it has grown to 77,000. There has been an increase of over 50 per cent whilst the Government has spent \$190 million on top of the hundreds of millions it spends in this area every year. The Government is spending more and more money and the problem is getting worse and worse. The Government has to change its whole approach in this area. The committee that investigated the child protection system under the leadership of the Hon. Greg Donnelly found that there is systemic failure within the Family and Community Services [FACS] cluster. There is a culture issue and there is a significant problem in how FACS deals with that issue. There are systemic issues that need to be addressed—none more than how we deal with risk of significant harm [ROSH] reports and how we intervene at that early stage.

It was with some hope that I heard from two deputy secretaries of FACS last Friday before the Committee on Children and Young People, which had serendipitously called them to discuss child protection issues. In the interim, the Auditor-General's report was tabled. At that discussion, the following question was asked: "How do we deal with the 77,000 kids who are currently falling through the cracks?" The answer came back that FACS is trying to address the issue. There has been a positive step: A pilot program in south-west Sydney is seeing 90 per cent of the kids referred, not necessarily by having a case officer intervene but by having somebody take action. It might be someone from the police dropping around to check a house. It might be another touchpoint in the system. It might not be a case officer intervening, but it is doing something to address the problem and reach out to the child who is at risk of serious harm. It is such an enormous and overwhelming problem. The Government has to start doing things differently.

Tomorrow at 9.00 a.m. the Minister is coming to a discussion to discuss these issues further. How do we triage the system? How do we deal with re-reports within 12 months? How do we get that figure down below 40 per cent? How do we get it down to zero as quickly as we can? We cannot accept abject failure and pretend it is success. We cannot continue to say that 30 per cent is good enough when it should be 100 per cent. We keep saying that we are getting better. We are getting up to the 30 per cent failure mark and we are calling it a success. It has become so horrific that failure is seen as success by the Government itself.

I am disgusted with the way this has been handled. When the report came out I contacted the Minister and, to his credit, he understands the size of this problem. Sadly, it is going to require a stadium-esque investment in the front end in the early intervention processes to address these issues. It is going to require a proper governance mechanism to be established—a family commission-type mechanism, an independent process—to deal with the cultural issues within Family and Community Services which are endemic. I close by thanking all the workers within FACS—the case workers and child protection workers who do a brilliant job. They bleed on this every single day, and I am in awe of what many of them do, but they need better help from this Government, better leadership and better investment in the future. [*Time expired.*]

**The Hon. Mick Veitch:** Hear, hear!

**The Hon. PENNY SHARPE (23:41:04):** In reply: I thank all members who have contributed to this debate and in particular I thank the Hon. Matthew Mason-Cox, who has taken a very close interest in this matter for a very long time and who has sincerely told the truth about what is happening here. I echo his words that we cannot accept the failure that we are currently accepting. I have to say that I am shocked at the response from the Government tonight. I lay no blame at the Hon. Natasha Maclaren-Jones who was handed a piece of paper from the Minister's office. The gall of the Minister's office to respond to this motion in such a flippant and outrageous way. They did not even address the serious concerns raised in the Auditor-General's report. That is unforgivable.

Tonight the Minister had an opportunity to say in this Chamber that we are not doing well enough, that vulnerable children are suffering, that we have made good attempts but not enough attempts, that we need to invest more in vulnerable young people, and that we need to talk to Aboriginal communities about what will work for them. The Auditor-General has acknowledged that the Minister's office made no budget bid, has no forward strategy and has no plan to deal with the matters raised in this report. We are left with \$190 million that has been spent with nowhere to go.

**Mr David Shoebridge:** Nine hundred and fifty.

**The Hon. PENNY SHARPE:** Yes, that is right but the extra \$190 million. There is a list of pilot projects, some of which are very good, and the Hon. Natasha Maclaren-Jones made a good attempt to talk about them. We are happy to talk about them but let us understand the magnitude of the problem. The Government's own actuarial report about the number of vulnerable kids in this State states there are around 263,000 of them. Their Futures Matter was supposed to help at least 45,000 vulnerable children but helped just under 6,500. I am glad that those children and young people got support, but I am worried about those kids with the most complex needs possible who are in Treatment Foster Care Oregon—employed, professional foster carers who deal with the kids.

Honestly, one would have nightmares about what has happened to those kids and the challenges that they have. How many kids have been helped? Thirteen kids. But we have had no commitment from the Government that this program, which those 13 kids—kids who have had unimaginable things happen to them—have had the benefit of, will continue in an way, shape or form. The program is considered to be a very good and important one. I am profoundly disappointed in the Minister, who has spent a lot of time saying he cares about these things. To treat this report and the seriousness with which this Chamber takes the scathing nature of this report is extremely disappointing.

I make another point that goes to one of the reasons the department has found it so difficult to get this to happen—cuts. For a long time efficiency dividends have bled the department dry. That has led to perverse outcomes. The report notes that, at some point, up to 100 positions existed within the Department of Communities and Justice to get this work happening, to move across the State and to give support to districts and undertake new programs. Most of the time only 50 per cent of those positions were filled. By not filling positions, the Government was clawing back money every single day. I make the point again about the latest risk of significant harm [ROSH] data and the latest caseworker data. It is perverse. In the last budget the Government trumpeted that it was funding another 72 caseworkers to help deal with the risk-of-serious-harm reports. As at March this year, not one of those positions had been filled.

The department simply banked the money so that it could meet the efficiency dividend imposed on it by the Government. Where is the Minister on this? He cannot seriously say that the Government has put in extra resources when it has not even employed one single caseworker to see one additional kid. The numbers continue to grow and the proportion stays the same. I am so disappointed. I must make one final comment: The one metric that is going very well, and that we are all pleased about, is that the number of kids entering care is reducing. All power to the department and the Government for achieving that reduction. However, I have comments to make about that. The simple reduction in the number of kids entering care is not a measure of the wellbeing, health and safety of children across the State. It simply means that fewer children are being picked up by the system.

I have reports from youth workers across the State who tell me that basically they do not bother anymore putting a kid in care who is over 12 and should be in out-of-home care. Those children simply float around the system, essentially homeless, moving in and out of youth refuges. They might be lucky to be with a temporary carer for a while. We need to look more closely and unpack what that metric means. I have significant concerns that tonight there are kids who are not in care when they should be. For as long as we simply trumpet a figure showing a reduction in the number of children going into care, we are not answering the question that we should be answering: Is every kid for whom it is unsafe to live at home getting the support and assistance they need and, where required, are they being taken into the care of the State to ensure that is happening? I am extremely sceptical about that. We must tell the truth. We cannot simply trumpet the numbers.

I know the Minister will continue to talk about the numbers coming down but that is the only thing he ever talks about. He does not talk about what this report has discovered—that across Health, Justice and Education we are failing to make good on our promise that when a kid is removed from their family we are going to give them the best chance in life and the support they need. We are failing foster carers, kinship carers and guardians who are trying their best but who struggle with an extremely bureaucratic system that makes them the enemy most of the time when, in fact, they are passionate about looking after the kids in their care. We are failing Aboriginal communities. In particular, I acknowledge the grandmothers in Aboriginal communities who have given a litany of examples of kids in those communities whom they want to take in and look after when their families are doing it tough. But they have been ignored by the department and, instead, children have been removed from country, kin and family and placed in out-of-home care with non-Indigenous carers against the very principle that we have spent years advocating in this place. We continue to fail to learn the lessons of the past.

This is one of the most serious matters that members will deal with in this Parliament. It pains me and others greatly that the Minister has given it such cursory attention. I am very disappointed about that but, more importantly, I hope that discussing these issues will encourage members who are not acquainted with the report to read it. It is well worth it. All members who care about kids must read it. Finally, I will work with anyone in this Chamber who wants to turn these issues around. My final plea to the Government is that you cannot do this without money and you cannot do this without serious change, serious buy-in, and attention and focus. That is absolutely lacking from the Government and the Minister at this point in time.

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

**Motion agreed to.**

**STRONGER COUNTRY COMMUNITIES FUND****Production of Documents: Order**

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 642 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (23:50:27):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Deputy Premier, or Minister for Local Government relating to Stronger Country Communities:

- (a) the official guidelines for round two and round one of the grants;
- (b) the applications submitted for each round of funding;
- (c) all correspondence about the assessment, allocation and determination of individual grants including notification of recipients and media;
- (d) all documents relating to the rejected applications or projects, including email correspondence; 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.

I note that the Shooters, Fishers and Farmers Party previously moved a Standing Order [SO] 52 about this matter. This SO52 motion goes beyond that. The reason we require it is that the current reporting from the Government on a website provides almost none of the material necessary to understand who sought the funding, who got the funding, who did not get the funding and who approved the funding. This SO52 motion seeks to go beyond the documents that were produced by the order of the Shooters, Fishers and Farmers Party and obtain that material. I note that the Labor Opposition intends to move an amendment to the motion, which The Greens support and which I think has been discussed and negotiated with the Government. I endorse the motion as it will I hope be amended and commend it to the House.

**The Hon. JOHN GRAHAM (23:51:42):** I move:

That the question be amended as follows:

- (1) Insert "excluding any documents previously returned under an order of the House" after "the following documents".
- (2) Insert "the Department of Premier and Cabinet, the Treasury, and the Department of Planning, Industry and Environment (Office of Local Government)" after "Local Government".

I make a couple of brief points about the motion. First, after some enthusiasm by members seeking to make multiple calls for papers on this issue, the amendments try to strip it back so that we are not producing extra documents. The Leader of the Opposition has also withdrawn one of his previous calls for papers. We have done that in order to place the smallest possible burden on the Government. However, there has been some enthusiasm from members to inspect these programs. The matter will also be the subject of a Public Accountability Committee inquiry in which I will take part.

I have seen some comments from Government Ministers who are administering some of the programs and they have defended the outcomes in very strong terms. I think it is the role of governments to make decisions, but that should not involve tearing up or rewriting guidelines, or sidestepping the ordinary conflict of interest and probity requirements that apply to grant programs. Those Ministers should expect the questions to be heavily scrutinised.

**The Hon. NATASHA MACLAREN-JONES (23:53:27):** I note it is quite close to midnight. The Government does not oppose the amended motion.

**The PRESIDENT:** Mr David Shoebridge has moved a motion, to which the Hon. John Graham has moved an amendment. The question is that the amendment of the Hon. John Graham be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

*Bills***CRIMES AMENDMENT (ZOE'S LAW) BILL 2019****Second Reading Debate****Debate resumed from 21 November 2019.**

**The Hon. TREVOR KHAN (23:54:35):** I contribute to the second reading debate on the Crimes Amendment (Zoe's Law) Bill 2019. Given the time, I will not complete my contribution tonight. Nevertheless, it is important that this matter be progressed, and I say that in a genuine sense. I oppose the bill in the same way that I opposed the two 2013 bills and the 2017 bill. I make that observation in the context that I was not only supportive but also actively involved in abortion law reform in New South Wales and the safe access zone reforms that occurred earlier. My position in respect of the 2017 bill is far more nuanced. Nevertheless, it must be recognised that I have been in this place since 2007 and since then there has been an issue over a so-called Zoe's law bill. I note that Reverend the Hon. Fred Nile has given notice of various bills over that time. Many of those notices have never resulted in a bill. Reverend the Hon. Fred Nile gave a second reading speech on the 2013 bill on which, as some members will be aware, a research paper was prepared. That bill mirrors the current bill.

**Mr David Shoebridge:** Almost exactly.

**The Hon. TREVOR KHAN:** I do not need assistance from Mr David Shoebridge. The 2017 bill started by way of a notice of motion in 2015 and it was only on 9 March 2017 that the second reading speech was given. It came on for further debate on 12 October 2017. I spoke on that day, as did the Hon. Scot McDonald. I remember it because it was my sixtieth birthday. In the meantime there was the 2013 Chris Spence bill, if I could describe it that way. The former member for The Entrance had introduced a bill that passed with amendments in the Legislative Assembly. Some members in this place will remember that the bill was essentially rattling around with no-one prepared to bring it on for a vote in this Chamber. Why? Because it did not have the votes. Even though a majority in the lower House voted for it, it did not have the votes here. The Spence bill was quite different in form and substance from Reverend the Hon. Fred Nile's 2013, 2017 and 2019 bills, all of which have taken a similar form.

In the very limited time I have available, I note that when the 2017 bill came before the House I contributed to the debate and I started by acknowledging that Reverend the Hon. Fred Nile was making a genuine attempt to deal with a problem—a problem I recognised should be addressed in some way. In my view, it was not—as Reverend the Hon. Fred Nile made clear in his second reading speech and I accepted—a stalking horse to prevent abortion law reform in New South Wales. In terms of the 2017 bill, I had not spoken to Ms Brodie Donegan for some years. I think it might have been 2012 or 2013 when I spoke to her; perhaps it was earlier. I believe that at that stage Reverend the Hon. Fred Nile had not spoken to Brodie Donegan. The person who was communicating directly with Brodie Donegan—as she had communicated with members of the previous Labor Government—had been within the Attorney General's department and in terms of the Spence bill Chris Spence.

By the time the 2017 bill was coming on she was still speaking with Chris Spence and she was expressing opposition to Reverend Nile's bill. She was not expressing opposition to the principle behind the bill or its intent but was expressing disagreement with the name of Zoe being used in the bill and the fact that it was being done essentially in her name without her being engaged in the process. I do not criticise Reverend the Hon. Fred Nile for that but I make that observation. I believe it is important that when we deal with this matter we acknowledge the tragedy that occurred for Brodie and the whole family, but proceed carefully and in an appropriate manner. I will speak at greater length in due course.

**The PRESIDENT:** According to sessional order, it being midnight proceedings are interrupted.

*Adjournment Debate*

**ADJOURNMENT**

**The PRESIDENT:** I propose:

That this House do now adjourn.

**CATHOLIC COMMISSION FOR EMPLOYMENT RELATIONS**

**Mr DAVID SHOEBRIDGE (00:00:45):** I will speak further on this matter in the near future. It involves the conduct and role of the NSW Ombudsman and the Catholic Church. My office has been provided with a secret report authored by the NSW Ombudsman dated November 2003. That was five years after the Wood Special Commission of Inquiry into Child Protection Services in New South Wales. The report exposes deep failings by the Catholic Commission for Employment Relations [CCER]. There are a number of provisional findings and adverse comments on how the CCER handled certain child abuse allegations against priests and religious orders.

The report makes findings under section 26 of the Ombudsman Act, which allows the conduct of investigations and provision of reports including recommendations for changes. The adverse comments include the following:

- 4.1 The CCER failed to have effective systems in place to ensure that child abuse allegations against priests/religious were reported to the Ombudsman by Catholic employers as is evidenced by:
  - 4.1.1 The CCER's failure to regularly review and upgrade its child protection policies;
  - 4.1.2 The CCER's failure to ensure regular and effective training to Catholic employers and to evaluate the training provided by the CSOs and CEOs;
  - 4.1.3 The CCER's failure to monitor the systems that each diocesan Chancery and the diocesan agencies had in place for reporting child abuse allegations to the CCER and to the Ombudsman;
  - 4.1.4 The CCER's failure to have formalised systems in place with the PSO to ensure that information about child abuse allegations against the priests/religious who were working in schools were reported to the Ombudsman.

The relevant policies were not sufficiently updated to be current as at 2003 and again five years after the Wood Special Commission of Inquiry into Child Protection Services in New South Wales. The contents of the policies were not delivered through education programs to the relevant decision-makers within the remit of the agency or the findings of the Ombudsman's report on the failure to deal with child abuse in the Hunter region.

There was also a failure to identify and properly oversight the mechanisms in place for reporting allegations to the relevant authorities—those being the CCER and the Ombudsman. The failure to ensure that policies were fit for purpose and education was delivered in a timely manner was the subject of an adverse comment. The report also found that the failures had flow-on effects and were at the very least contributory factors in the inappropriate handling of allegations of abuse against Father Fletcher by Bishop Malone.

Findings included that the lack of appropriate systems led to the failure by Bishop Malone to appropriately manage the child abuse allegations including not even following the church's Towards Healing protocol and not telling the CCER about the allegations against Father Fletcher. It was also a reason for the inappropriate action by Bishop Malone where he informed, "Father Fletcher of the child abuse allegations against him, knowing that the matter was intended to be or had been reported to the police and before seeking advice from police about his actions". It was also found that:

- 4.2.4 Bishop Malone failed to adequately assess or address the risks to children as evidenced by his failure to give due consideration to the advice of police to remove Father Fletcher from his contact with children; by permitting Father Fletcher to continue in his parish duties as Parish Priest of Branxton during the course of the police investigation; and by failing to document the inquiries he made and advice he received, including the information he received from Mr Callinan, Mr Daveron and Mr Bowman. A number of provisional recommendations were then made in 2003 including that the CCER should ensure that training is made available to school principals and Catholic employers to clarify matters, that children or any person under 18 or children involved in abuse allegations do not need to be current students of the staff or agency, and that historical allegations against a current employee must be notified to the Ombudsman. There are further recommendations to develop guidelines about responding to and notifying child abuse allegations, which should be provided to the Ombudsman, and a risk assessment to manage those risks when child abuse allegations against employees are made. I am certain that anyone who is familiar with the appalling history of child sexual abuse committed by priests and other religious officials in the Catholic Church in the Hunter region in the decades leading up to 2003 and, tragically, for over a decade following 2003 will be asking what happened after the Ombudsman's report was delivered in 2003. What did the church do? What did the Ombudsman do? These are matters that I will refer to in the very near future.

### COVID-19

**The Hon. NATASHA MACLAREN-JONES (00:05:11):** We are in extraordinary times in our State and nation as we face the challenges of the global health pandemic. What has unfolded over the past few months has changed our way of life. Our nation faces one of its greatest challenges. We will rise to this challenge, as Australians always do in the face of adversity. We will show strength, compassion, respect and resilience. We are fortunate to have one of the best health systems in the world, not by luck but by design and planning, which has allowed us to respond rapidly to the health crisis. We only have to look at the many other nations whose health systems have been overrun by this pandemic. I acknowledge the outstanding work from health teams across New South Wales, our nurses, doctors and allied health professionals. I also acknowledge the community for doing its bit by following guidelines.

The Government's first priority during the pandemic has been to safeguard the health of the people by continuing to provide world-class care in the event of an increase in demand. At the centre of this has been the \$800 million investment in additional funding over two years on top of the 2019-20 health budget of \$26.7 billion. This has transformed our healthcare system to better support the people of New South Wales. In March the Government invested over \$700 million to increase its intensive care unit [ICU] capability, prepare for COVID-19 testing, purchase ventilators and medical equipment, employ more staff, upskill existing staff, establish respiratory clinics and expand 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 frontline staff so that they could stay away from their homes and protect their families. The Government also invested \$36 million in research and innovation, including for vaccine trials, and \$10 million to boost our domestic supply chain. An extra \$388 million has been allocated to ramp up elective surgeries and ensure that patients whose surgeries were delayed by COVID-19 are booked in as soon as possible. The Government has also announced a package of initiatives to strengthen mental health services. That \$73 million investment is in addition to the \$6 million provided to Lifeline to ensure that it is equipped to respond to the increased needs of the community throughout the COVID-19 crisis.

Our statewide mental health support package includes \$21 million to recruit specialist community-based mental health clinicians and peer support workers. That will significantly increase the capacity of community mental health services to respond to individuals in a mental health emergency. These clinicians will de-escalate tense situations and provide advice on alternative supports and care pathways, which means a person may not necessarily be taken to an emergency department. During this unprecedented time, face-to-face support cannot always be there. Therefore the New South Wales Government has invested significantly in telehealth services, including \$20 million to expand virtual mental health services.

The additional funding will ensure that people can access mental health support when they need it. More virtual teams means more clinical supervision and support for staff while providing health assessments, services and advice to many hospitals and health centres from designated mental health hubs. The COVID-19 mental health package also includes \$16.4 million to enhance first responders, including the NSW Police Force and NSW Ambulance; \$6 million to enhance therapeutic activities in acute inpatient units; \$1.44million to provide free access to Tresillian's SleepWellBaby program; \$1 million to Habilis to establish supported residential housing; \$800,000 to pilot peer support for people with mental illness; and \$500,000 to train psychiatric assistance dogs to support owners to cope with a range of mental health issues.

Building essential health facilities to service the health needs of New South Wales communities now and in the future has been extremely important. We have fast-tracked works which will ensure that NSW Health has additional bed capacity available. Those works include the Macksville Hospital redevelopment that opened in May this year, six months ahead of schedule; the Mudgee Hospital redevelopment which opened in May, approximately three months ahead of schedule; Westmead Hospital's redevelopment of the essential acute services building; Dubbo Hospital, stage three and four, which is a \$150 million redevelopment approximately six months ahead of schedule; and Royal North Shore Hospital is re-establishing inpatient wards on levels five and six of the Douglas Building to provide Northern Sydney Local Health District with additional inpatient capacity, if required. Although we continue to face challenging times we are extremely fortunate to have access to world-class health care and dedicated health teams.

### WESTERN SYDNEY JOBS GROWTH

**The Hon. PETER PRIMROSE (00:10:19):** I am proud to have lived my life in Western Sydney, to be called a westie, and to have been told that I have a westie accent—whatever that is. I am a proud product of the early primary and secondary public school education that western Sydney had and continues to offer. However, when I graduated high school there was no Western Sydney University for me to attend so, to gain a university qualification, I travelled out of my community and made do with the University of Sydney. Like so many from western Sydney my parents wanted me to achieve a better life than they had, an aspiration that I think all parents share. Today, one of the biggest concerns for parents in western Sydney is that this aspiration may be slipping away from their children's grasp.

The essential ingredient for our next generation in western Sydney is a four letter word, J-O-B-S. The challenges facing those seeking employment in western Sydney have been well documented. Add to the mix our current situation with COVID and we can readily see that the impacts will simply widen the existing geographic and wealth disparities in western Sydney that so dramatically limit access to good jobs. Recently, the Western Sydney University [WSU] published a series of detailed papers unpacking many of the issues surrounding jobs in western Sydney. One point that stuck out from this research is that if the current pandemic causes the same level of economic and social disquiet as a recession in the early 1990s, western Sydney will experience greater and more severe economic pain than other parts of Sydney.

In fact I quote from the research. Western Sydney's "downturn will be more severe for both economic output and employment with prolonged unemployment in western Sydney a major concern". What opportunities are there for people and future generations in western Sydney? What type of jobs will be available? Where is the Government investment? The three cities model advocated by the Greater Sydney Commission and the Western Sydney Aerotropolis will not be enough to deliver the investment that is necessary in western Sydney to sustain the growth that is required for western Sydney to become "a transformative regional economy that is jobs and

wealth generating, a spatial value chain that is inclusive of not just high-value professional services but also the components of a day-to-day urban economy".

Of particular note is that by 2036, according to data produced by the Liberal-Nationals Government, approximately half of the new jobs created in the Greater Sydney area are supposed to be located in western Sydney. To date that figure has only been approximately 35 per cent. With this Government's lack of investment in western Sydney I do not understand how a 50 percent increase in jobs will occur. Modelling by the Government of the sources of jobs over this period does not even include the employment possibilities of the three cities model and the Western Sydney Aerotropolis. In fact, its modelling specifically excludes it. The WSU report indicates that to reach only half of the jobs growth target for western Sydney enunciated in the Government policy documents by the year 2036 there will need to be completed and operational 11 separate Barangaroo-style developments with each delivering the equivalent of 25,000 ongoing permanent jobs.

To put it more bluntly, one of these mega-developments would need to become operational every 18 months. Let that sink in. One Barangaroo-style development every 18 months, supplying 25,000 ongoing permanent jobs, has to happen 11 times. The Government has publicly painted a rosy picture of a booming jobs market in western Sydney over the next 16 years, but it is just spin. The WSU research has shone a light on this and the promises do not add up. That has real-world consequences for families in western Sydney—more people, fewer jobs, more commuting and fewer opportunities. As a westie, I think that our region deserves better.

### DELEGATED LEGISLATION

**The Hon. MARK BANASIAK (00:15:19):** When the State Environmental Planning Policy (Koala Habitat Protection) 2019 landed on my lap during the bushfires of December last year, I thought that it was a bit sneaky. The state environmental planning policy [SEPP], the aim of which is to protect koala habitat, reversed all the hard-won reforms achieved for private landowners since 2016 in one fell swoop. It designates extensive areas of farmland as koala habitat regardless of the presence of koalas through defective mapping. It then puts the cost of disproving that defective mapping back on the landholder. The cost to overturn the defective mapping, which erroneously lists your avocado plantation as a core koala habitat, can be in excess of \$10,000. That is not pocket change. That is a substantial amount of money that farmers and rural landowners do not have in the wake of the drought, the bushfires and the COVID-19 pandemic.

The koala habitat protection SEPP impacts private landholders, timber workers, farmers and many others. If the SEPP was a statutory rule then I could have brought it into the House and attempted to amend this very poor piece of policy. It would have underwent crucial parliamentary scrutiny, but it did not because a SEPP cannot be disallowed. It is a function of the Executive Council and, as such, is authorised by the Governor. That means that Parliament has no role in the workings of a SEPP. That is outrageous. Even more outrageous is that SEPPs are not alone in undergoing rigorous and urgent changes outside the scrutiny of Parliament. A SEPP is an environmental planning instrument and no EPI can ever be debated or amended by Parliament. It is done at the whim of a faceless bureaucrat pushing their own agenda under the protection of the Executive Council, who is at the whim of the Cabinet.

In the recent hearings held by the Regulation Committee on delegated legislation, we have seen that most legislation these days involves a clause on regulation that is subject to changes without debate. There is no doubt that that this delegation of power relieves this House of the burden of making small, insignificant administrative changes that have no overall impact on the application of a bill. I understand that, but it is not always the case, as we have seen with the koala habitat protection SEPP. Broad changes have been made that impact a vast number of industries and individuals, with no amending instrument available to this House. We have seen this repeatedly since the COVID-19 pandemic hit our shores in March. Under a blanket ruling, Parliament was shut down and the Government raced through so-called emergency legislation without any scrutiny. They were called "emergency measures". In this legislation, there are clauses that are not limited by the regulation-making power in a relevant Act and that may override the provisions of any Act or other law.

In a submission to the inquiry on delegated legislation, Parliamentary Counsel calls this a Henry VIII clause, which essentially allows any changes to be made under the Executive as if it were an arm of the Parliament. In the hearing, Ms Annette O'Callaghan from Parliamentary Counsel made an outstanding contribution. Her level of understanding of what good legislation looks like is something that all members should take on board. She said:

For me, we cannot be said to be providing really high quality legislation if it is full of Henry VIII provisions or full of delegations of power and it is not accessible if people cannot transparently see what is happening.

One of the key functions of the Parliament is to provide transparency and justification to the people of New South Wales on why a piece of legislation has been crafted. It is supposed to explain what we are doing, why we are doing it, the level of consultation that was undertaken in respect to the issue and why legislation is the best pathway to achieve the desired outcome.

Many members worked hard during the last Parliament to change the sessional orders to allow for a higher standard of legislative scrutiny than has been seen in a long time. Last year, my colleague the Hon. Robert Borsak made a contribution when the Government attempted to roll back those sessional orders that we had only recently amended. His contribution included the fact that the Premier said after the last election that she was going to hollow out the bills and do everything by regulation. That is just what she has done and now under the cover of COVID-19, it is justified under the "emergency measures".

In the past week alone the statutory review of the Marine Estate Management Act arrived in my inbox. It is another piece of legislation with impacts that are far reaching, yet the request for submissions does not extend to the general public. The Government has cherrypicked its consultation group. A guiding principle of drafting legislation is to consider how proposed legislation will impact the rights and liberties of individuals. But we are seeing less and less of that as the Government digs its heels in and creates more and more legislation for the elite few. It is time the Parliament dug its heels in too and demanded a higher level of legislative scrutiny.

The SEPP has shown me that idiotic and incredibly harmful legislation can be snuck through, bushfire crisis or not, and there is little Parliament can do about it. The Shooters, Fishers and Farmers Party see it on a daily basis, with complaints to our office regarding the New South Wales Firearms Registry. It has taken it upon itself to exploit clauses that delegate decision-making to bureaucrats, who in turn can and do take it upon themselves to make up extra requirements that are outside the scope of the intended legislation as passed and debated by the Parliament. It is simply not good enough. The people of New South Wales deserve a Parliament that represents them properly and considers their rights every step of the way.

### YANCO AGRICULTURAL HIGH SCHOOL

**The Hon. WES FANG (00:20:23):** Yanco Agricultural High School holds a special place in New South Wales public education. It is one of four public specialist agricultural high schools in the State and the only rural school to offer boarding places to female students. Established in 1922, Yanco Agricultural High School continues to this day to provide full academic and practical public education, with an emphasis on agriculture, for any interested student in New South Wales. Significantly, the school provides a comprehensive co-educational experience in a residential setting for students from more isolated areas in the State, with extensive academic opportunities, sporting success and a focus on the agricultural sector. Yanco Agricultural High School is held in high esteem by local and rural communities of New South Wales.

However, despite the school's standing in the community, I became aware that student accommodation at Yanco Agricultural High School—particularly the female dormitories—was no longer suitable for the student population. I know families who attend Yanco Ag so in March this year I invited my colleague the Minister for Education and Early Childhood Learning and her department representatives to tour and see firsthand the state of the dorms at Yanco. We met with student leadership, P&C representatives and school staff. As we were guided through the dormitories, it became evident that the accommodation was not up to scratch and required an upgrade to meet modern standards for student living. After the visit, the Minister and I worked on ensuring the New South Wales Government started the process of upgrading the student accommodation as I want to make sure the school community had some certainty for the future. I believe the students have been waiting long enough and they deserved facilities that are the equal to those afforded to students in metropolitan areas.

As Nationals, we pride ourselves on standing up for our regional and remote communities and ensuring that, no matter where you come from or choose to live, work or learn, you have the same opportunities as your counterparts in metropolitan centres. That is why people vote for us. It is why our party celebrated its 100th anniversary. People understand that we are, first and foremost, for the country and we will always stand up and fight for our communities. In late July I had the privilege to announce, alongside the education Minister, the exciting news that the first stage of the upgrade to the accommodation at Yanco Agricultural High School will begin this year. I was delighted with the news that the New South Wales Government has committed to planning for an upgrade of the dorms at Yanco, thus securing the future of Yanco Ag for many years to come.

The school, which celebrates its 100th anniversary in 2022, plays a key role in attracting and retaining regional and rural students, particularly females, to the agriculture industry. Yanco provides education in AgSTEM practices—agricultural science, technology, engineering and mathematics—driving future innovation and interest in the agricultural sector. I want our public boarding students to benefit from the best facilities possible and these upgrades will encourage more students to live and learn in regional New South Wales.

While this funding is just the first step it is a testament to the education Minister that she and The Nationals always go into bat for our people. They simply knuckle down and get on with the job. I congratulate Gary Hunt, principal of Yanco Agricultural High School; Gus Whyte, president of the Yanco Agricultural High School P&C; and Yanco Agricultural High School captain, Sarah Elward, and vice-captain, Hannah Dunn, as well as the school staff and all those who were involved in our visit. I acknowledge Mike Maltman, who was very active on this

issue right from the start. He has been a fierce advocate for his community. I congratulate all those involved with Yanco Agricultural High School. I hope that we see this school grow and continue to provide young leaders for rural and regional communities as it has for almost 100 years now. Hopefully it will continue to do so for many generations to come because we need those leaders in our rural and regional communities.

#### **TRIBUTE TO JOHN ROBERT LEWIS**

**The Hon. DANIEL MOOKHEY (00:25:23):** Tonight it is my great honour to eulogise the late John Robert Lewis of Atlanta, Georgia. We Australians know Lewis best for standing on the Edmund Pettus Bridge in Selma, Mississippi, in 1965, leading a march to Montgomery to demand the right to vote. We Australians watched as terrorists dressed in police uniforms cracked Lewis's skull on that bridge. We watched them beat 600 of Lewis's fellow Christians to a blood-soaked pulp in an effort to stop their drive towards emancipation. We know him as the Lewis of Nashville, a 21-year-old sitting at a Woolworths lunch counter, submitting to the Klan's sons as they rubbed cigarettes on his back and poured their milkshakes on his head. We know him as Lewis the freedom rider, one of the first 11 men and women to buy tickets for a Greyhound bus to confront the southern kleptocracies that would beat them and bomb them, lynch them and jail them. What courage John Lewis must have had and what dignity he showed to seek out the hate and to answer it with love.

Last week from the pulpit of the Ebenezer Baptist Church President Obama described John Lewis as perhaps Dr Martin Luther King Jr's finest disciple. He was Dr King's apostle too. As a teenager Lewis first heard the doctor's sermons on his radio in the chicken sheds of his family farm in Troy, Alabama. Imagine the distance he then travelled. A few years later he was standing with the pastor on the stairs of the Lincoln Memorial at the Washington march in 1963. The eleventh son of poor Alabama sharecroppers was the leader of America's black students preceding the twentieth century's greatest preacher, who was ready to tell the world about his dream. Yet Lewis was no bystander. The immense grit he showed on those freedom rides and the great self-discipline he displayed at those sit-ins made Lewis equal in stature to the great A. Philip Randolph, the porter; Roy Wilkins, the lawyer; James Farmer, the organiser; and Whitney Young, the social worker—six of America's greatest patriots, all perfecters of America's democracy. All now live in our collective memories as inspirations in the struggle for racial and social justice. Those who fight on for Dr King's beloved community still draw from their examples in their quest for a colourblind society.

Right now another great civil rights movement rises. It rises in New South Wales, and it must, because as long as few have more power than most, few have more resources than most and few win more opportunities than most then we need John Lewis's type of good trouble. It is telling that in the days before he succumbed to pancreatic cancer Lewis chose to make his last public appearance in front of the White House with those demanding equal treatment from a government obliged to nurture the life, liberty and human happiness of all its citizens, not just those of a certain skin colour. Three of Congressman Lewis's Pulitzer Prize winning graphic novels sit on the coffee table in my office. For me they serve as reminders on how to weigh the struggle for social justice and how to win the struggle for social justice, as textbooks on the scale of social transformation that is possible when politics is used for good. John Lewis used politics for good. As an activist he inspired, as a congressman he led and as a human being he showed tremendous moral strength. May he rest in power and may he rest in peace.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** The House now stands adjourned.

**The House adjourned at 00:28 until Thursday 6 August 2020 at 10:00.**