



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 26 August 2020**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

Wednesday, 26 August 2020

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

The **PRESIDENT** read the prayers.

### *Motions*

#### **SURF LIFE SAVING HUNTER BRANCH AWARDS OF EXCELLENCE**

The **Hon. TAYLOR MARTIN (10:02:03)**: I move:

- (1) That this House notes:
  - (a) on 19 June 2020 Surf Life Saving Hunter Branch held the 2020 Awards of Excellence;
  - (b) the awards were streamed online due to the COVID-19 pandemic restrictions;
  - (c) the awards recognise members of the 13 surf lifesaving clubs and support operations that have excelled at branch level in junior development, surf lifesaving, education, surf sports and support operations; and
  - (d) the following awards were presented:
    - (i) Young Athlete of the Year: Bella Williams (Cooks Hill);
    - (ii) Athlete of the Year: Flynn Wallace-Smith (Caves Beach);
    - (iii) Masters Athlete of the Year: Tara Johnson (Stockton);
    - (iv) Team of the Year: Oliver Kleyn, Liam Kleyn and Mitchell Lobston—IRB Tube Rescue Team (Caves Beach);
    - (v) Coach of the Year: Ryan Cook (Swansea Belmont);
    - (vi) Official of the Year: Stacey Gay (Caves Beach);
    - (vii) Administrator of the Year: Peter Brown (Dixon Park);
    - (viii) Administrator of the Year (High Distinction): Kathryn Donnelly (Nobbys);
    - (ix) Community Education Program of the Year: Superheroes (Tea Gardens Hawks Nest);
    - (x) Trainer of the Year: Anthony Tietze (Merewether);
    - (xi) Assessor of the Year: Charlie Bugbird (Merewether);
    - (xii) Facilitator of the Year: Gail Henderson (Redhead);
    - (xiii) Youth Volunteer of the Year: Lachlan Steffner (Redhead);
    - (xiv) Volunteer of the Year: Debbie Booth (Tea Gardens Hawks Nest);
    - (xv) Volunteer of the Year (High Distinction): Alicia Drain (Caves Beach);
    - (xvi) President's Award: Janette Bax (Catherine Hill Bay);
    - (xvii) Youth Surf Lifesaver of the Year: Makayla Gay (Caves Beach);
    - (xviii) Surf Lifesaver of the Year: Jason Gay (Caves Beach); and
    - (xix) Surf Lifesaver of the Year (High Distinction): Wade Hammond (Nobbys).
- (2) That this House congratulates:
  - (a) award recipients for their dedication and commitment to the community in the Hunter and the safety of its beaches; and
  - (b) Hunter Surf Lifesaving and its member clubs for a successful 2019-20 season.

**Motion agreed to.**

#### **ARBOUR FESTIVAL**

The **Hon. PETER PRIMROSE (10:03:34)**: I move:

- (1) That this House notes:
  - (a) the recent bushfire season had a devastating impact on communities across New South Wales;

- (b) local communities are searching for ways to heal after the devastation;
  - (c) to help support the resilience and healing of their local communities, Eastern Riverina Arts launched the Arbour Festival from the Batlow Literary Institute on 20 August 2020 at the commencement of the Batlow Recovery Forum; and
  - (d) the Arbour Festival will start on 28 December 2020, exactly one year after the Dunns Road Fire began, and involve 50 days of ephemeral installation artworks, workshops, films, music, talks and adventures from the Pilot Hill Arboretum and surrounding towns that survived the Dunns Road fire.
- (2) That this House congratulates Arbour Festival curator Vanessa Keenan and the festival team; Tim Kurylowicz and the Eastern Riverina Arts team; all the local artists and creatives involved including Fanny Lumsden, Sulari Gentill, Robyn Sweeney, Juju Roche, Laura Fraumeni, and John Ridell, Forestry Corporation, Snowy Valleys Council team; and all the sponsors, project partners, and supporters for this great initiative.
- (3) That this House:
- (a) subject to health guidelines at the time, encourages all members to attend some or all of the festival to show support to communities affected by the Dunns Road fire and:
    - (i) to stay in the region and explore its beauty and local attractions;
    - (ii) buy from the bush; and
    - (iii) fill empty eskies to support local businesses who are doing it tough especially over the last year due to drought, fire, floods and COVID-19.
  - (b) if health guidelines prevent members from physically attending, encourages them to express their support for the efforts of all involved in the Arbour Festival.

**Motion agreed to.**

#### **CHLOE MCCARDEL**

**The Hon. BEN FRANKLIN (10:04:30):** On behalf of the Hon. Natalie Ward: I move:

- (1) That this House notes:
- (a) on 16 August 2020 Australian swimmer Chloe McCardel crossed the English Channel for the thirty-fifth time, surpassing the men's record for the most crossings;
  - (b) Ms McCardel completed the 35 kilometre swim in 10 hours and 40 minutes;
  - (c) Ms McCardel completed this crossing to raise awareness for victim survivors of domestic and family violence;
  - (d) only one person, another woman, Ms Alison Streeter, has crossed the English Channel more times; and
  - (e) Ms McCardel was born and raised in Melbourne but is now a proud Sydneysider.
- (2) That this House congratulates Ms McCardel on this amazing feat and encourages her to continue breaking world records.

**Motion agreed to.**

#### *Documents*

### **ENVIRONMENTAL WATER**

#### **Dispute of Claim of Privilege**

**The PRESIDENT:** I inform the House that on 25 August 2020 the Clerk received from the Hon. Mark Banasiak written correspondence disputing the validity of the claim of privilege on documents lodged with the Clerk on Wednesday 29 July 2020 relating to rules-based environmental water. According to standing order, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Mr Mason.

#### *Business of the House*

### **POSTPONEMENT OF BUSINESS**

**Mr JUSTIN FIELD:** I move:

That business of the House notice of motion No. 1 be postponed until 15 September 2020.

**Motion agreed to.**

#### *Special Adjournment*

### **SPECIAL ADJOURNMENT**

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

That this House at its rising today do adjourn until Thursday 27 August 2020 at 10.00 a.m.

**Motion agreed to.***Announcements***ITEM ON THE NOTICE PAPER**

**The PRESIDENT (10:11:00):** Yesterday Mr David Shoebridge gave a notice of motion for a sessional order relating to returns to orders under Standing Order 52. This notice currently appears on today's *Notice Paper* as item No. 702 and is not listed in the Whip's motion setting the order of business for today. Unfortunately, the *Notice Paper* is in error as the practice is that a sessional order has precedence as business of the House. Mr David Shoebridge has been advised of the oversight and the item will be listed as business of the House with priority of debate on tomorrow's *Notice Paper*.

*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 (10:12:53):** I move:

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

- (1) Private members' business item No. 671 standing in the name of the Hon. Mark Banasiak relating to the Public Health Amendment (Registered Nurses in Nursing Homes) Bill.
- (2) Private members' business item No. 670 standing in the name of the Hon. Daniel Mookhey relating to a motion of no confidence in the Treasurer and icare.
- (3) Private members' business item No. 669 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the administration of Insurance and Care NSW.
- (4) Private members' business item No. 672 standing in the name of the Hon. Trevor Khan relating to Victory in the Pacific Day.
- (5) Private members' business item No. 644 standing in the name of Mr David Shoebridge relating to a further order for papers regarding a police investigation involving the Minister for Police and Emergency Services.
- (6) 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.
- (7) Private members' business item No. 614 standing in the name of the Hon. John Graham relating to the Roads Amendment (Toll-free Period) Bill 2020.
- (8) Private members' business item No. 666 standing in the name of the Hon. Adam Searle relating to an order for papers regarding bushfire inquiries.
- (9) Private members' business item No. 647 standing in the name of the Hon. Mark Pearson relating to Dr Clive Marks.
- (10) Private members' business item No. 650 standing in the name of the Hon. Robert Borsak relating to the Portfolio Committee No. 5 - Legal Affairs—Extension of reporting date.
- (11) Private members' business item No. 692 standing in the name of the Hon. Natasha Maclaren-Jones relating to DonateLife Week 2020.
- (12) Private members' business item No. 637 standing in the name of Mr Justin Field relating to an order for papers regarding the Lower Hunter Water Plan.
- (13) Private members' business item No. 1 standing in the name of the Hon. Mark Latham relating to the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019.
- (14) Private members' business item No. 698 standing in the name of Ms Cate Faehrmann relating to the production and storage of ammonium nitrate.
- (15) Private members' business item No. 683 standing in the name of the Hon. Lou Amato relating to Ordinary Seaman Teddy Sheean, VC.
- (16) Private members' business item No. 686 standing in the name of Ms Abigail Boyd relating to rail freight.
- (17) Private members' business item No. 689 standing in the name of the Hon. Walt Secord relating to an order for papers regarding the arrival of cruise ships.
- (18) Private members' business item No. 626 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the Key Learnings review.

- (19) Private members' business item No. 696 standing in the name of the Hon. Sam Farraway relating to the CSIRO Parkes Radio Telescope.
- (20) Private members' business item No. 684 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding claims for asbestos-related diseases.
- (21) Private members' business item No. 634 standing in the name of the Hon. Robert Borsak relating to Mr John Barilaro, MP, and the Eden-Monaro by-election.
- (22) Private members' business item No. 687 standing in the name of the Hon. Ben Franklin relating to Meals on Wheels Day 2020.
- (23) Private members' business item No. 667 standing in the name of the Hon. Adam Searle relating to an order for papers regarding the Wages Policy Taskforce.
- (24) Private members' business item No. 697 standing in the name of Ms Cate Faehrmann relating to the cessation of grant funding by Create NSW.
- (25) Private members' business item No. 678 standing in the name of the Hon. Taylor Martin relating to the Prostate Cancer Awareness Month.
- (26) Private members' business item No. 688 standing in the name of the Hon. Walt Secord relating to an order for papers regarding the Fiscal Repair Program.
- (27) Private members' business item No. 663 standing in the name of Mr David Shoebridge relating to paid pandemic leave.
- (28) Private members' business item No. 479 standing in the name of the Hon. Adam Searle relating to an order for papers regarding allegations of corrupt conduct and maladministration concerning the Long Service Corporation.
- (29) Private members' business item No. 685 standing in the name of Ms Abigail Boyd relating to an order for papers regarding Tallawarra Power Station.
- (30) Private members' business item No. 659 standing in the name of the Hon. Adam Searle relating to an order for papers regarding advice on hotel quarantine and face masks.
- (31) Private members' business item No. 694 standing in the name of Mr Justin Field relating to an order for papers regarding a proposal to raise the Warragamba Dam wall.
- (32) Private members' business item No. 668 standing in the name of the Hon. Adam Searle relating to an order for papers regarding the Ombudsman's investigation into SafeWork NSW.

I indicate that it has been agreed that the private members' business items at paragraphs Nos 3, 5, 8 to 12, 14 to 20 and 22 to 32 will be considered in the new short form format.

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

**Motion agreed to.**

**The PRESIDENT:** I remind members of safe distancing. I do not mind if conversations are a little bit loud but I ask members to maintain safe distancing.

### *Bills*

## **PUBLIC HEALTH AMENDMENT (REGISTERED NURSES IN NURSING HOMES) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. MARK BANASIAK (10:19:57):**

I move:

That this bill be now read a second time.

I am pleased to introduce the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020. In 2016 the Shooters, Fishers and Farmers Party first introduced the bill. The party introduces the bill again with the support, I hope, of the crossbench and the Opposition. The bill has special significance for every person in New South Wales who has an elderly grandparent, mother, father, brother, sister or friend living in a nursing home. Now it is of even greater importance as the State deals with COVID-19. As members are aware, coronavirus is devastating the aged care sector. However, we hear only about buck-passing between the States and the Commonwealth.

In New South Wales nursing home after nursing home has failed to meet that crucial standard. Disappointingly, a sentiment has been expressed that our elderly will be an unnecessary casualty during this crisis. Placing a registered nurse in a nursing home would, at the very least, provide some sort of leadership and guidance

for others less qualified to deal with this, and also send a clear message that we care about and respect our elderly. Nursing is one of the few remaining noble professions. New South Wales has consistently led the way by mandating higher standards for aged care because the health and quality of life for people in their twilight years matter.

Having at least one registered nurse on staff is not an onerous requirement, especially given the size of some aged-care facilities. The requirement to have a registered nurse on staff in an aged-care facility at all times has been the standard practice in this State for over 30 years, and arguably since 1971. Indeed, although the requirement is in section 104 of the Public Health Act 2010, this standard has been a requirement since the passage of the Nursing Homes Act 1988. Section 39 of that Act states:

39. The licensee of a nursing home shall, at all times while the nursing home is being conducted, cause a registered nurse to be on duty in the nursing home.

That seemed entirely reasonable in 1988. Old people have not changed much since then. They are still old people and people in aged-care facilities still need care. The requirement may go further back, but 30 years for a minimum standard of care should be sufficient argument to convince anyone. If Government members were not directed how to vote in this House and in the other place, I have no doubt that many would support the bill. Since the drafting of section 2 (m) of the Private Hospitals Amendment Act 1971, it has been a requirement to keep at least one registered nurse in a nursing home in New South Wales. That requirement was included in the Private Health Establishments Act 1982, the Nursing Homes Act 1988, the Public Health Act 1991 and the Public Health Act 2010. I could go further back, but I do not believe we have to trawl ancient history to convince Government members of Parliament to care for our elderly.

I mention that because some of the arguments that have been put forward by bodies representing nursing home operators, or indeed the operators themselves, suggest that it is a new requirement. That suggestion is blatantly false. The requirement in the bill is not new, nor does it have the potential to close nursing home facilities. Under that flawed logic, we would not have had aged-care facilities for the past 50 years. The bill simply proposes to reintroduce minimum staffing in nursing homes, covering high-care needs only. The present situation came about on 1 July 2014 when changes to the Commonwealth Aged Care Act 1997 came into effect. The amendments were designed to change funding arrangements for those in residential care and to streamline transfers between low-care and high-care settings. As an indirect consequence, the definition of a nursing home in Commonwealth legislation was removed. That had a flow-on effect to the New South Wales Public Health Act 2010 because it relied on that definition in the Commonwealth Act.

Unfortunately, with Federal amendments to the Commonwealth Aged Care Act 1997 and a small change to the definition of the term "nursing home", the requirement was made defunct. At that time it appears that the Government believed that registered nurses were needed in nursing homes at all times. As a temporary measure the former health Minister, Jillian Skinner, grandfathered the provision for all nursing homes that were in operation before 1 July 2014 in the Public Health Amendment (Nursing Homes) Regulation 2014. Therefore, only nursing homes that commence operation after 1 July 2014 are legally required to keep registered nurses on shift. Hence the Government automatically introduced a standard that differentiated between an aged person in a facility prior to 2014 and an aged person in a facility established after 2014. Should that differentiation exist? Of course, it should not. The bill only affects facilities providing a high level of residential care.

In 2015 a parliamentary inquiry by General Purpose Standing Committee No. 3, chaired by former member Ms Jan Barham, examined this very issue, as well as other regulatory matters in aged care. The Shooters, Fishers and Farmers Party took great interest in the deliberations of that committee inquiry. The consensus from the Opposition and crossbench was clear: the requirement to keep a registered nurse in a nursing home at all times must be reinstated; that was quite clear in the recommendations. Registered nurses are needed in nursing homes to provide a high level of care for three reasons: They can administer pain relief stronger than a Panadol tablet; they can respond early to critical incidents and can often prevent unnecessary hospital admissions; and they know when, and when not to, administer medications, such as withholding blood pressure lowering medications when a patient's blood pressure is already low.

I cannot fathom that any member of this House would want a friend or relative, or indeed themselves at some time in the future, to remain in serious pain because an appropriate staff member who is able to administer such medication was not on hand as a result of a definition in a harmonisation bill. Staff with a lower level of training may just blindly follow medication orders because they lack the clinical judgement to detect a deterioration. They will simply default to a doctor's medication order. Medication errors in these circumstances could be life threatening—for example, administering medication to lower blood pressure when the resident's blood pressure may already be low or not picking up that multiple prescribed medications are attacking the kidneys and thus place the resident at risk of renal failure.

It is essential that a registered nurse is on hand to pick up on medication errors in an aged-care facility as they can be life-threatening. It is essential that a registered nurse be available to perform resuscitation and to recognise and respond appropriately to the onset of more serious conditions. Moreover, a registered nurse, based on clinical judgement, can decide whether hospital admission is required. If it is not required, it will prevent exacerbation of the trolley block that is occurring in emergency departments now. This bill will correct the problematic wrong, the unforeseen of changes in the Commonwealth Act, and it will do so in a straightforward and simple manner. The bill simply omits the New South Wales Public Health Act 2010 definition of "nursing home" and inserts instead:

*nursing home* means a facility at which residential care within the meaning of the Aged Care Act 1997 of the Commonwealth is provided, being—

- (a) a facility at which a high level of residential care (however described under or in accordance with that Act) is provided, or
- (b) a facility of a class prescribed by the regulations.

That will allow a lot of latitude to the Government and to the Minister to support this bill. They will still have the wriggle room necessary to make things fit. It was designed that way when we previously introduced the bill. Since "nursing home" is replaced by "residential care" in the Commonwealth Aged Care Act 1997, and as this area remains tied to Federal subsidies, that linkage is not put at risk. The bill also ensures specificity of facilities covered by this amendment and states:

- (2) However, residential care does not include any of the following:
  - (a) care provided to a person in the person's private home;
  - (b) care provided in a hospital or in a psychiatric facility;
  - (c) care provided in a facility that primarily provides care to people who are not frail and aged;
  - (d) care that is specified in the Subsidy Principles not to be residential care.

This amending bill is very specific. It is not about registered nurses; it is about aged care. Every man, woman and child in this State will at some stage bump up against old age, and every one of us will at some stage be affected in some way because every one of us has a relative or knows someone in aged care. When my predecessor, the Hon. Robert Brown, previously introduced this bill in this House, it passed unopposed. But, as the Minister for Health in the other place was quick to point out, it was not supported but, rather, Government members did not oppose it. He claimed that the Shooters, Fishers and Farmers Party was playing political games and rushing the bill through for its own political benefit. That was a bit rich coming from a Minister who is considered among his colleagues as the biggest political opportunist this Parliament has ever seen and someone who takes no responsibility for decisions made—or anything else—in his portfolio. The Government wanted us to believe that aged-care facilities across the State would close if the bill was passed.

On 4 May 2017 the member for Upper Hunter, Michael Johnsen, wrote on Facebook that the bill would "kill off smaller nursing homes". That is simply not true. That is a senseless beat-up. It calls into question the fact that we have had successful aged-care facilities in New South Wales for more than 30 years. Some aged-care operators have claimed in the past that small rural facilities would close their doors as they did not need and could not fund a registered nurse 24 hours a day. Yet at the same time caps on nursing home bonds have been loosened and under the new system there are more than enough subsidies to cover requirements should registered nurses be required to be on call 24/7. We have an ageing population that continues to grow day by day. It is no surprise that some aged-care operators are dazzled by dollar signs and the prospect of near limitless opportunities for profit. They could not have a better facilitator than this Government. Employing registered nurses to cover shifts 24/7 does not mean that assistants in nursing will not be fired. The past 30-plus years attests to the fact that profit and not-for-profit aged-care facilities can be run without going broke.

In the wake of the changes to the Commonwealth Aged Care Act 1997 that came into effect in July 2014, three major nursing home operators—Estia Health, Japara Healthcare and Regis Aged Care—were floated on the Australian Securities Exchange. A private company is not floated on the stock exchange without a prospectus stating that profit expectations are such that the company will not only survive but also deliver dividends to its shareholders. Each of those companies has gone from strength to strength. Aged care is a captive market. Those industries will not go away; they will only grow. That is why it is important that minimum requirements relating to standards of care should include that a registered nurse is on staff at all times as our population continues to age. That requirement will not send private or not-for-profit healthcare operators into receivership. The bill is simple and easy to understand and absorb. I hope the Government will support it in the other place. Opposing the bill in this House is simply not good enough. I commend the bill to the House.

**Debate adjourned.**

*Motions***THE HON. DOMINIC PERROTTET AND ICARE**

**The Hon. DANIEL MOOKHEY (10:31:32):** I move:

That this House expresses no confidence in the Treasurer, the Hon. Dominic Perrottet, MP, and the board of Insurance and Care NSW [icare] due to their mismanagement of the New South Wales workers compensation scheme.

Today I ask the Chamber to declare no confidence in the icare board and no confidence in the Treasurer's management of the New South Wales workers compensation system. Labor members are alert to the seriousness of the power we invoke, but our request is a continuation of the work that the Legislative Council has begun. The Legislative Council triggered the public inspection of icare. We caused icare, Treasury and the State Insurance Regulatory Authority [SIRA] to produce an extraordinary cache of documents. The Standing Committee on Law and Justice then asked the tough questions that those documents begat of icare's leader and leadership. The Legislative Council uncovered the self-dealings, related party dealings and conflicts of interests at icare's most senior levels, which was funded by employer premiums that were paid to help sick and injured workers, and were presided over by an insiders' club that has colonised the agency.

While it is clear that the Legislative Council's work is still unfinished, this much is obvious: Nothing will change in the New South Wales workers compensation scheme if the icare board stays in its place and if the Minister remains responsible for the system. I accept that a motion like this cannot be frivolous. A motion like this is freighted with consequence. The motion is a clear expression of Labor's views as to what has gone on. The decision before us is serious. We should deliberate on it carefully and we should decide on it prudently. But we should also understand that the power we have is not ceremonial. We have the power to call out wrongdoing when it takes place, to insist that probity standards be followed and to ensure that the integrity of the people in charge of a system so crucial as the workers compensation system is above question. Right now the 3.6 million people that icare insures and the 300,000 businesses that pay icare premiums have little reason to trust icare's board, icare's management and the Minister responsible. I will explain why.

I want to start by going through what we have learnt in the last five weeks about what has gone wrong in the New South Wales workers compensation system. We have learnt that icare has underpaid 52,000 workers up to \$80 million. We equally know that there is no plan to pay them back that has been accepted by the regulator. The Government cannot say to those 52,000 workers when the money that they are owed will arrive in their bank accounts. We have also learnt that icare has overpaid doctors hundreds of millions of dollars in duplicate and fraudulent payments. The most celebrated example that we have heard about is a caesarean anaesthetic being paid for a man. That is just one example of the litany of duplicate payments and medical fraud that has cost the scheme \$800 million.

We also learnt that at the same time this was taking place icare was paying in secret for two members of the Treasurer's political office without documentation. We have learnt that the Treasurer's office has no documentation, we have learnt that the Premier's office has no documentation about this arrangement and we have learnt that icare has apparently no documentation about this matter. When we asked the icare chair on Monday, "Have you looked into it?" his response was, "I haven't yet turned my mind to it,"—an extraordinary response from the person who is responsible for it, the person that the Government now says we should continue to trust with the future of this scheme.

We have learnt that in February icare tried to eject 17,500 workers from the workers compensation system to offset the scheme's growing losses. What does that mean? When icare found out in December last year that its finances were tanking, the way in which it was intending to repair its balance sheet was to find an excuse to exit 17,500 workers from the scheme in the middle of a global pandemic, during the most severe economic recession in a lifetime. That was its response. Those 17,500 workers on average were forced to see a doctor twice at icare's behest in case icare could discover further reasons to reject them and eject them from the system. Those 17,500 workers would have been left on their own in the middle of a global pandemic in order for icare to be able to salve its balance sheet.

At the same time in February as icare was trying to eject these 17,500 workers, it put in an application to hike employer premiums by 4 per cent—in February, on the cusp of a massive global pandemic, when businesses are fighting for their survival, an application to increase premiums by 4 per cent for employers—while at the same time introducing a gap fee for injured workers, meaning every time an injured worker had to see a doctor they would have to pay a gap fee. That is not done in Medicare for good reason—because we do not want to deter injured workers from getting access to the health support they need to get back to work. This was icare's plan to solve the crisis that hit its balance sheet.

Let us turn to some of the issues to do with probity. We have learnt that icare is under investigation by the Government's own regulator for illegally paying \$22 million to brokers, in breach of the Act—a scheme that has been underway for a few years now. The Act states that you cannot pay brokers any remuneration because it creates conflicts that lead to poor outcomes for workers and, for that matter, employers too—\$22 million in payments to brokers, in breach of the Act. We have learnt as well that the icare CEO had to resign after it emerged that icare handed his wife a contract to the tune of \$850,000—a related party dealing not disclosed in any of icare's annual reports, annual reports signed off by the icare board and the icare chair and not one of them mentions this. This would never have come to light if it was not for the fact that this House did its job—on a cross-partisan basis, to be clear. We in this House did our job and we are the ones who brought this to light, otherwise Mr Nagle would still be in his position.

We have also learnt that the icare's former CEO and another executive took an undisclosed sponsored trip to Las Vegas paid for by a multimillion-dollar contractor to the agency that obtained that contract in a tender process generously described as "suspect". At the same time, icare's executives are appearing in promotional videos for a private commercial product, apparently with the permission of the board. They are being flown to Las Vegas to attend a convention and none of this is disclosed. The only reason it has come to light is we asked the questions. We have also learnt that in the same period icare's top executives took 36 foreign trips in four years—10 times more than its regulator, SIRA—and those are just the ones that have been disclosed. We do not know whether those trips were sponsored or whether other trips were sponsored too.

Icare faced an ICAC referral for handing an \$11 million marketing contract to a company secretly owned by a top executive at the agency. And when the matter was investigated, a conflict of interest form was lodged 12 months afterwards, and then the form was wrong. It is important because this is the contract that decides whether icare's executives and staff get paid bonuses. Those bonuses turn on the assessment of a company secretly owned by an icare top executive, and none of this was disclosed. We learnt that in September 2019 Treasury secretly cancelled an external investigation into the probity and governance issues at icare after icare complained, and that months later icare initiated an investigation of its regulator's expenses through the Treasury. So at the same time that icare is conspiring to get a Treasury review into it cancelled, it is conspiring with Treasury to get a review into the regulator that had just issued a damning report about icare's performance. It was not junior officials at icare doing that; it was the icare chair and CEO. That was the direct conversation.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! This is an important debate. It is not a time for barracking from either side of the House. There has been no barracking from the Government so far. If Opposition members start, then Government members will start. It is not a matter of members being encouraged. There will be no interjections.

**The Hon. DANIEL MOOKHEY:** At the time, the regulator had made referrals about icare to ICAC. I pause to be clear: That means there are at least three different sources of ICAC referrals about this one agency. The regulator has referred matters to ICAC, icare has referred it and the Treasurer has referred matters about his own agency too. That is what we were told. A damning independent review found that in 46 per cent of claims handled icare failed to follow the relevant law: to make sure injured workers are paid on time. In one year the core obligation of the workers compensation insurer, which is to make sure that workers are being paid their wages, was not being met in close to half the cases in breach of the law.

When the icare board was censured for this, it complained about being censured but did not try to explain why icare was not paying injured workers their wages on time. Another matter that has come to light is icare organised with Treasury for a secret \$4 billion bailout of the workers compensation fund, the Treasury Managed Fund, which is there to look after the State's first responders. The Treasury Managed Fund had also been hit by declining return-to-work rates, increased claims and poor management outcomes, which had equally put pressure on that front. It is not a small amount of money. This \$4 billion was borrowed and interest is being paid on the debt. It is more than we have borrowed to stimulate the economy after COVID-19. It is enough to build six new hospitals and hire an additional 7,000 nurses. It is not a small amount of money that was borrowed to bail out this fund.

The Treasurer was warned in May that icare was set to lose another \$850 million before COVID hit the scheme even harder. Icare has racked up underwriting losses totalling \$4.5 billion in the past three years and its \$3.9 billion surplus disappeared before COVID. This is what has come to light in the past five weeks. In response to these revelations, the Treasurer told the other place that icare's leadership should be applauded for the work it has done. He said it had done a superb job. He should have been organising an investigation into this agency. Instead he was applauding it and saying we should have been applauding it as well.

In response to 22 questions asked by the Opposition in the other place, when Labor confronted him with his own documents, he generously could be described as providing inaccurate answers. I would say he misled the House but that is a matter for the other House, not for us. If the Treasurer stays in charge of icare nothing changes.

If the icare board stays in charge of icare nothing changes. How has the Government responded? As the Minister for Finance and Small Business told us yesterday, the Treasurer has announced a statutory review that will not report until August 2021. Apparently that is what sick and injured workers and employers have to rely on for answers about this entire saga.

That statutory review has no power to ask the Treasurer a single question, no power to ask his office a single question, no power to compel any icare officer to provide any evidence under oath and no power to compel icare to produce a single document. Apparently, we are told that will get to the bottom of it. It is unacceptable. In addition, not a single plan has been floated by the Government as to whether it is going to make any change to the way in which icare is doing its job today. Instead, the icare board has come before the Parliament. Icare has provided public commentary—and the Treasurer has repeated it in the public domain—that everything is fine and that none of these things took place.

That has been the issue. If the Treasurer and the icare board are in such denial about what has gone wrong, they cannot be trusted to fix it. If the Treasurer cannot be trusted to tell the truth about what went wrong at his agency, he cannot be trusted to fix that agency. That is the point and that is why it is necessary for the House to exercise its power. We have an obligation, as does the Government in both its Executive and parliamentary arms, to ensure that a system as crucial as the workers compensation system stays above reproach. The 3.6 million workers in New South Wales today, who depend on a well-functioning workers compensation system, deserve an answer. The 300,000 businesses paying premiums during a massive global recession—the worst recession to hit New South Wales in over 30 years—will soon get their bills for next year's premiums and will have to worry about whether they can pay them. They deserve to know that every single dollar they hand over to icare is being spent competently by people whose probity is above reproach. Those 3.6 million people and those 300,000 businesses deserve a workers compensation system they can trust. They do not have such a system today.

I look forward to the debate but I just want to close on this. On Monday night icare's former general manager of compliance and risk spoke out about what happened to him. This person, a former homicide detective, arrived at icare in 2016 and like all good coppers paid attention to what was happening on his beat. He noticed suspect behaviour and tried to investigate it. He made meticulous, contemporaneous diary notes about conflicts of interest, tender processes not being followed, theft and fraud. What was the response? He was subjected to a vile and morally repugnant, homophobic campaign conducted anonymously. He was so distressed that he himself had to go on workers compensation. He then found himself in litigation with icare and, at icare's behest, he signed a non-disclosure agreement—forcing a whistleblower to shut up about what he saw.

That is what happened under the auspices and supervision of the icare board. That is unacceptable. We do not expect those types of Harvey Weinstein-style tactics being engaged in by a public sector agency. We expect a lot better from the public sector. We expect basic probity laws to be followed and whistleblowers to be treated with respect. We expect contract procedures to be followed and conflicts of interest to be declared. We expect competition in tenders and expect truthfulness in annual reports. We have received none of this from this agency. Nothing will change unless the people in charge of this scheme change. The Treasurer has got to go. The board has got to go. This House should express its views. For those reasons I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:50:16):** I will not start by saying that a lot of what members just heard from the Hon. Daniel Mookhey was factually misleading, but I will embark upon a defence of the Treasurer and the manner in which circumstances that have been identified by the shadow finance Minister have been dealt with. Clearly the Government does not support this motion. If members want to keep the integrity of this place intact then all members will oppose the motion because it makes a mockery of this place. The motion makes a mockery of the millions of people in New South Wales suffering through the worst health and economic catastrophe they have faced in a century. It is deliberately calculated to undermine confidence in the New South Wales workers compensation scheme and it is calculated to do so without sufficient basis in fact.

The motion is an attempt to undermine our State's recovery. The party responsible for this motion is wishing and hoping for New South Wales to fail and is working tirelessly towards that end. It is hoping for the Treasurer to fail. It is doing everything in its power to cause the Treasurer to fail because, as is always the case, it is determined to put the New South Wales Labor Party's political interests ahead of the interests of the working men and women of this State. That is why that party lost the election. It was a statewide motion of no confidence in Labor. The workers of New South Wales no longer trust Labor and today Labor is determined to show us once again why that is the case. In essence, the motion is a desperate and pathetic effort by the Opposition to make itself feel relevant at a time when it has never been more irrelevant. The Opposition is not in Government and that galls those members opposite. They feel entitled to rule and they have nothing but contempt for the people of this State who refused to vote for them. In a crisis, instead of being in this together Labor is intent on tearing New South Wales apart.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I ask the Minister to stop. Previously I jumped down the throat of the Hon. Mark Buttigieg when he interjected. I remind members that there are to be no interjections—none. The Minister has the call.

**The Hon. DAMIEN TUDEHOPE:** This motion is without meaning or consequence. It is gratuitous, indulgent, wasteful grandstanding. It is a waste of the time and resources of this Parliament and those taxpayers who pay for it. There are many reasons to oppose this motion; I speak in respect of just three. Firstly, the motion is self-defeating. What has become very clear over the past few weeks is that those members opposite are obsessed with the Treasurer. It is maniacal. They hate him with an unhinged passion.

**The Hon. Penny Sharpe:** We just want him to do his job.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I am very close to calling the Hon. Penny Sharpe to order. There will be no further warnings.

**The Hon. DAMIEN TUDEHOPE:** We can hear the shrieks of delight every time they get the chance to insult the Treasurer. We could hear it in the other place when the Leader of the Opposition was wailing across the Chamber, "You will never be Premier." Frankly, I find that quite obvious. The obvious question is: Why is the Leader of the Opposition so obsessed with stopping the Treasurer from ever leading New South Wales? We already have a Premier. Why is the Leader of the Opposition not focused on her? Why is the Opposition so obsessed with the Treasurer that it has spent the past five weeks ignoring the crisis that is engulfing eight million people across New South Wales and instead is asking questions about nothing else except this issue?

Let me be clear: Workers compensation is an important issue but these are not ordinary times and Opposition members are completely out of touch. Why is there an obsession with the Treasurer? It is not because the Opposition has no confidence in him; it is because the Opposition knows that the people of New South Wales have confidence in him and that he instils confidence in New South Wales. He is too effective, so the Opposition will stop at nothing to try to bring this man down. A motion of no confidence targeting a highly effective Minister makes no sense.

The second reason members should oppose the motion goes to matters of fact. The fact is that the motion is based on outright lies, mealy-mouthed half-truths and appalling misrepresentations. Opposition members in this place and the other place have either knowingly misrepresented the facts or been ignorant of them. Even when corrected, they persist with blatant falsehood. Yesterday the Leader of the Opposition called icare's current situation "catastrophic". After the worst bushfires on record and after a global pandemic that has taken scores of lives and cast hundreds of thousands into joblessness, the people of New South Wales know a thing or two about what a catastrophe is.

To flippantly label icare's situation "catastrophic" is just insulting; to do it for base political purposes is shameful. Whatever issues there are within icare—and there are issues and they must be fixed—they are not catastrophic. Do not take my word for it; take the word of the man who is currently the President of NSW Labor. He said, "I don't have any issues with the operation of the board", "Decisions were unanimous" and "I have the utmost respect for the people of the board I served with." He also said, "Valuation and plans of action are okay at the moment", "The focus was on ensuring more control was put in the hands of injured workers" and "They [the board] had a clear plan of investigating and researching the extent" of the issues that have been raised.

That is just absurd. On the one hand, we have the President of NSW Labor insisting that everything was done appropriately and that, if it was not, it was addressed appropriately by the board. On the other hand, the same party's parliamentary leader is declaring a catastrophe. They cannot both be right. That means someone from Labor is not telling the truth. It lays bare the absolute sham Opposition members are running. I reiterate that the issues in icare must be addressed. The Treasurer and the board have acknowledged it. We heard a quote from the Chair of the icare board on Monday when he appeared before the parliamentary committee. I have to say that when the board appeared and there was the opportunity to ask questions about how they managed icare, there was a clear winner. People would have come away from hearing the questioning of members of that board and would have said that that is a board that knows what they are doing—absolutely knows what they are doing.

That is the impression they would have come away with. Mr Carapiet said, "The workers compensation scheme is better than it has been, but we hoped to be further progressed in improving the lives of injured workers and providing certainty for business. We need to keep the scheme's financials in balance, and continue to improve return-to-work rates, despite the current economic challenges." There is work underway to bring about the change required. When I watched the proceedings in the upper House inquiry, every question was answered diligently, respectfully and with precision and accuracy, not like we have just heard. Let me just say a number of those issues were not raised with the members of the board when they had the opportunity to be raised.

**Mr David Shoebridge:** The hour.

**The Hon. DAMIEN TUDEHOPE:** The effect of Labor members' deliberate and reckless fearmongering about the state of the workers compensation scheme shows one thing: They do not care about injured workers; they care about only themselves. If they cared for injured workers, they would not overstate their claims about the workers compensation scheme, they would not misrepresent the facts and they would not proceed with this motion before a review has been allowed to separate facts from spin, identify where the problems lie and chart a course to fix them.

Labor knows that, whatever its challenges, icare is not in crisis, yet Labor presses the claim anyway because it does not care about injured workers; it only cares about the politics. Why else would Labor drip-feed information to its favoured journalists, uncannily timed to coincide with committee hearings and sitting days? The drip, drip, drip is not about injured workers; it is about media games and craven political opportunism and it is why Labor needs to bring this motion now before the facts are fully ventilated. That is really the point of this motion. There is a way for an inquiry to take place into the performance of icare, there is a way for identifying where systemic failings exist, but that should take place before we engage in a process such as this motion seeking no confidence in a board which, when it appeared before the committee, clearly demonstrated that it is entirely competent. That is why this motion is so insulting to this place.

Members opposite know that if they wait they will lose the opportunity to fling mud. That is why they want to bring this motion on today—because this is a mud-slinging exercise—rather than wait for all the facts to be out there pursuant to an inquiry properly created into the performance of icare and also, for that matter, a review relating to the Treasurer's office. Those opposite seek to bring the Treasurer down and they do not want to wait. They fear he will be vindicated, so they need to strike now. I urge members of this place who value integrity and who wish to make judgements on fact not spin to reject this motion.

This motion must be opposed. It is yet another example of overreach that devalues the Legislative Council Chamber and every member of it. Those opposite know that the Treasurer's reforms of the workers compensation system were made with the intention of improving the lot of injured workers. They know he is passionate about providing better care and support for injured workers. They know that the scale and pace of transformation has been immense since icare was formed in 2015—in hindsight, perhaps a bit too ambitious, but it showed that the Treasurer had the passion to develop a better system for dealing with injured workers than previously existed under the WorkCover Authority and the previous workers compensation scheme, which was so politically riven.

What has become apparent is that the execution of the workers compensation process over the past few years has not been up to scratch. We accept that. There have been issues with icare that must be fixed. That is not in dispute. It is beyond dispute that the Treasurer is determined to fix those issues. But for the summer of catastrophic bushfires followed by a global pandemic, there is simply no doubt that the implementation of the Dore report would have been far more advanced than it is. None of this warrants a motion of no confidence. This motion is an indictment of NSW Labor and the depths to which it has sunk.

New South Wales is in a pandemic and Labor is off with the fairies. While Labor has spent months trawling through tens of thousands of documents—and today they seek to get more—desperately searching for a smoking gun, the Treasurer, for his part, has spent every waking moment over that period fighting for the livelihoods of millions of New South Wales workers. While those opposite have sat in darkened rooms, rubbing shoulders with journalists and preening for their 15 minutes of fame, the Treasurer has been fighting tooth and nail to keep workers in jobs and businesses in business.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Penny Sharpe to order for the first time.

**The Hon. DAMIEN TUDEHOPE:** While Labor has obstructed, opposed and obfuscated, the Treasurer has reached out to workers, industries and communities across the State to help them in their time of need. This period of our history will be noted with interest and in great detail by generations to come. If it reflects New South Wales at all, it will do so, in my respectful submission, very unkindly. This motion will stand testament to Labor's gross, self-aggrandising indulgence at a time when everyone else was pulling together for the greater good of this State. I urge those present to oppose this motion.

**Mr DAVID SHOEBRIDGE (11:03:49):** I speak to this motion on behalf of The Greens. We have heard an extraordinary contribution from the Hon. Damien Tudehope, the Leader of the House, suggesting that the very deep and real concerns that have been repeatedly raised in relation to the management of icare and the impact it has had on injured workers is nothing but political theatre. The invective from the Leader of the House was directed at those members of this House who have been seeking to draw attention to what is unambiguously a disaster for injured workers in New South Wales—a disaster that has occurred under the current management of icare. Three levels are responsible for the outcome: the executive team, the board and the Treasurer. They are the three layers of responsibility established by the Parliament for icare. The executive team is required to implement

the scheme; the board is required to oversight it; and the Treasurer's job is to ensure the board is doing its job and to oversight icare.

When I say it has been a disaster for injured workers, I will give an indication of the scale of the disaster. From the end of 2017 to the beginning of 2018 and through to now, icare has spent \$360 million that was set aside from premiums paid by employers for one purpose, that is, to assist injured workers. That money was to pay workers their wages when they are injured and cannot work, to assist them to rehabilitate and return to work and to pay their medical expenses when they need to see a doctor or have treatment as a result of an injury at work. Of the \$360 million, \$200 million has been taken from the pockets of injured workers and has been spent by icare on what is called a transformation project, on a contract in partnership with Guidewire and Capgemini.

The senior compliance, audit and risk officer has now come out as a whistleblower. He has put on the record that he raised concerns about a conflict of interest not being put on the record by the then chief executive officer of icare, Vivek Bhatia. The chief compliance officer—an esteemed expert in the field, with some two decades as a senior crime investigator in Victoria Police and over a decade as a senior corporate risk and audit officer—was employed to look at integrity and audits. He gave a statement to the State Insurance Regulatory Authority [SIRA] that he raised this matter with the chief executive officer, who had close relationships with senior officers in Capgemini at the time of the tendering and throughout the operation of that contract, which was worth hundreds of millions of dollars. He said to the senior executive, "You should have disclosed a conflict of interest and you did not". He said he was screamed and swore at by the chief executive officer and sent out of the office like a naughty schoolboy.

That same risk officer raised the theft of iPads, computers and material from icare in the hundreds of thousands of dollars and asked why none of it had been reported to the police. He was told they just do not do that; they do not report it to the police. He raised other concerns about the close relationships between the senior executive team and a series of contracts and tenders, including one contract and tender that was randomly given to a New Zealand company to come up with a matrix under which the executive team members are paid their bonuses. There was a close relationship between management and the corporation that came up with a matrix to determine how the senior executive team members are paid their bonuses—and paid their bonuses they are, year after year after year. Eight of that senior executive team, between their salary and bonuses, received \$4 million-plus every year.

When the senior audit officer raised all of this, he was driven from the organisation. None of that was reported to, or raised by, the board. That is merely a small window into the very deep concerns about the way the organisation was run. Every dollar paid to the executive team and spent on tenders is money that has come from the pockets of injured workers. To be frank, it is offensive for the Leader of the House to say that members are engaging in political grandstanding with no regard for the genuine concerns of injured workers. If that obscene expenditure had produced a positive result for injured workers, it is unlikely that members would be debating the motion before the House.

What was the result of that \$360 million transformational expenditure that I spoke of earlier? The key outcome of that was to automate the way in which injured workers are dealt with. Rather than a claims manager speaking to the injured worker, talking to the doctor, talking to the employer, trying to get the injured person back to work and doing what every expert in workers compensation says is essential in a workers compensation scheme, the board, the executive team and the Treasurer signed off on a project that meant most injured workers did not get a phone call for six weeks after lodging their claim. What was the result of not talking to injured workers for six weeks? The result was that return-to-work rates in this State plummeted—a catastrophic plummet of return to work. Instead of having some 89 per cent of injured workers getting back to work after 13 to 26 weeks, only some 80 per cent of injured workers were getting back to work after 13 to 26 weeks. At one point that figure was as low as 79 per cent.

You might say, "Well, 89 per cent, 79 per cent, 80 per cent—what does that mean?" It means that twice as many injured workers have not been back at work. In any given year it means that 4,000 injured workers are not back at work because of those changes. Every year some 4,000 injured workers do not return to work because of the gross incompetence of icare's board and executive team, overseen by the Treasurer. The Leader of the House said that members who raise those concerns do not care about injured workers. My question to him is: What does he say to the now 12,000 injured workers who are not back at work as a result of the changes? What does he say to their families and to the employers who pay the insurance premiums but whose employee has not returned to work? What does he say to the senior audit officer whistleblower, a man of enormous integrity whose career I outlined earlier? Not only was he hounded out for raising issues of impropriety but he was also assailed with the most offensive emails and the most offensive note imaginable was left in his office in icare.

The first time we get close to an apology from the board is when it is raised in a parliamentary committee hearing. Until then the board had been silent. Icare's own Audit and Risk Committee never received a report that

the organisation's senior risk and audit officer had been forced out. The audit committee of the board never heard about it or, if it did hear about it, it did nothing in response. Not only did the committee never question whether the audit officer had been driven out of the organisation but also it wrapped him up in a non-disclosure agreement so he could not tell anyone about what was going on. Yet the Leader of the House says that members are engaging in a political ploy, that we do not care about injured workers and that the Treasurer should be backed. That is only part of the history. What was the Treasurer's response when the issue was first raised—not decades ago but as recently as early August—just a few weeks ago? When tested, he said, "The icare team and the executive icare team do a superb job."

He is tested again and he says that the people of icare, the board of icare and the senior management team should be applauded for the work that they have done. He is tested again and he says that the board ensures the highest standards when it comes to service delivery. He had reports that the return-to-work rate had collapsed. He knew that because of the actions of the board and the executive—because of the damage done by the icare team—every year 4,000 injured workers were not back at work. Maybe he did not know about the whistleblower, but if he did not, he was not doing his job as Treasurer with oversight of the board. Maybe he did not know of the obscene waste in the executive team: Not just \$4 million for the top eight; we now know that the top 200 of 1,200 employees of that organisation all get paid a bonus.

In 2018 and 2019 the corporation was paying its executive team bonuses when their objective performance and the collapse in return-to-work rates was there for everybody to see—yet they kept getting bonuses. What does it take to not get a bonus in icare? They are paying bonuses to not just the top eight, who between them receive salaries and bonuses of \$4 million, but also the top 200 staff in the organisation even when they are overseeing this disastrous outcome. The Leader of the House says that the motion is about politics, that we do not care about injured workers and that nobody should criticise the Treasurer. I say to that contribution: Shame on the Government for coming into this place and saying that. It should accept responsibility. Part of politics and representative government is that you accept responsibility; it is called responsible government.

Currently who has accepted responsibility for the mess at icare? One senior executive officer has resigned. The board members sat there in all their glory and pretended nothing was wrong. In the parliamentary inquiry they maintained there was a minor issue with return-to-work rates but that nothing was wrong with their basic position. To add insult to injury, their only substantive response so far was the establishment by the new icare board of a committee to undertake a governance review. They established a governance review last Saturday. They put out a press release last Saturday, stating that they had established a subcommittee to look at its governance rules. The board must be sacked. The Treasurer must sack the board. A Treasurer who will not sack the board should be sacked by the Premier.

**The Hon. WALT SECORD (11:17:04):** As the shadow Treasurer I will speak in support of the motion of no confidence against Treasurer Dominic Perrottet moved by the shadow Minister for Finance and Small Business regarding the icare scandal. I will make a brief contribution, as the Hon. Daniel Mookhey has canvassed the issue extensively over the past few weeks. I ask this simple question: What does a Treasurer have to do under Premier Gladys Berejiklian to get the sack? Clearly mismanagement and maladministration are not sackable offences under Premier Gladys Berejiklian. Clearly the refusal of a Minister and a government-owned insurer to help workers and the refusal of their appropriate and legal claims are not sackable offences under Premier Gladys Berejiklian.

Earlier the finance Minister gave a weak and pale defence to a motion of no confidence. He knows the case has been made. The Treasurer has done the wrong thing. He must go, the board must be sacked and the Government must do the right thing by injured workers in New South Wales. In 2015, as the then finance Minister, Treasurer Dominic Perrottet set up icare and kept it in the Treasury cluster when he became the Treasurer. He appointed the board and it was accountable to only him. In terms of icare, the buck stops with him. He is responsible and should be removed.

Under Premier Gladys Berejiklian this Government refuses to hold the Treasurer to account. Make no mistake, this scandal goes straight to the Treasurer and his office. He hides from accountability. We have seen almost \$4 million in bonuses paid to nine executives at a time when there were concerns about icare's solvency. We have seen 200 staff get paid bonuses and a government that refuses to detail those bonuses. We have seen the spouse of former icare CEO John Nagle receive an \$800,000 contract, and yesterday in this Chamber the Government refused to say whether it was legal and met the requirements of the Public Works and Procurement Act 1912. We have seen 200 icare executives, senior officials, get their bonuses at a time when this Government is slashing the wages of hardworking firefighters, police, hospital cleaners, teachers, childcare workers, bus drivers and nurses. We have seen this Government allow icare to overpay doctors hundreds of millions of dollars in duplicate and fraudulent claims.

We have seen a United States Republican operative, Mr Edward Yap, placed into the Treasurer's office and paid for by icare, having been seconded from icare to be its eyes and ears in that office. We have seen 52,000 workers not receive the right thing from the Government and we have seen icare reject or try to reject the claims of 17,500 workers in the workers compensation scheme. We have seen the Berejiklian Government be unable to guarantee that all Ministers have followed the Premier's guidelines in relation to secondments in ministerial offices. Then, on top of this litany of scandal, under the Treasurer of New South Wales we have seen icare seek to hike up employer premiums by 4 per cent during a global pandemic and when it is refusing workers' claims.

In response to the widespread mismanagement, the Treasurer launched a full investigation. It was originally undertaken by Secretary of NSW Treasury Michael Pratt, AM, who sat as icare's deputy chair prior to becoming secretary. A clear conflict of interest was exposed. When it was, they said they would have Treasury's general counsel and chief finance and operations officer conduct an audit. We have a Treasurer who will not admit that there has been maladministration under his watch and a Premier who is sandbagging him in. We saw icare CEO John Nagle resign, but the Treasurer of New South Wales knew about the wrongdoing for 18 months and did nothing. Only when it was exposed to the community did he go. I will touch on some of the murky examples. We have the CEO going to Vegas and doing a promotional video. To quote *Muriel's Wedding*, "What a coincidence!" Since 2015 icare has racked up \$320,000 in overseas travel and staff have taken 14 trips in the last financial year. I have pages of examples of wrongdoing by icare.

**The Hon. Mark Latham:** What about Deirdre Chambers?

**The Hon. WALT SECORD:** His going to Vegas and doing a promotional video was a perfect Deirdre Chambers moment. This Government is standing by a Treasurer who has misled workers and misled the community. I urge the Government, the Opposition and the crossbench to remove this Treasurer.

**The Hon. SCOTT FARLOW (11:25:19):** One of the great features of the post-2015 New South Wales workers compensation scheme has been its transparency and accountability. That began at its very creation when the Government decided to separate the service delivery and regulatory functions of the workers compensation scheme—a scheme that at its heart was designed to increase transparency.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I remind the Hon. Penny Sharpe that she is already on a call to order. The Hon. Matthew Mason-Cox has been warned. There are now interjections coming from backbench members. I am more than happy to start a lengthy list of members being called to order. I will not give another warning.

**The Hon. SCOTT FARLOW:** Since 2015 icare has been subject to multiple reviews, and that level of scrutiny is designed to help deliver better outcomes for injured workers. Earlier this month the Treasurer and the Minister for Customer Service announced that the Government would bring forward the five-year statutory review and broaden its terms of reference. The review will be led by eminent retired Supreme Court judge the Hon. Robert McDougall. The fact that there is a statutory review proves that even when icare was being created the principles of transparency and accountability were baked into the original legislation. The review will now be expanded to include a root-and-branch examination of icare to ensure public confidence in workers compensation in New South Wales and to make any changes to operations that may be found to be necessary.

This vital feature of New South Wales workers' rights should not be treated as a political football; it should be greeted with bipartisan support, and that certainly used to be the case. The Government was proud to have started the bipartisan approach with the appointment of one Mark Lennon to the icare board in 2015. Mr Lennon strikes me as a good and honourable person who has dedicated his working life to the advancement of working people. He has an in-depth understanding of workers compensation, having previously served as a member of the Safety, Return to Work and Support Board and the WorkCover board. In fact, Mr Lennon provided testimony to the law and justice committee on Monday that he has been involved with the scheme for 30 years. Unfortunately, his experienced voice is no longer part of the icare board.

Mr Lennon resigned on Thursday 30 July not because of any failing that he saw in his role on the board, the operation of the board or the operation of icare, but because it unfortunately appears that he has been coerced into resigning by one or more members of the Labor Party. That is a disgrace. Mr Lennon's testimony before the committee on Monday was most instructive. He admitted that his resignation had nothing to do with the management or operation of icare but rather that it was for undisclosed personal reasons. We all know what that was about: it was either the Labor Party presidency or his spot on the icare board. That is an utter disgrace. Mr Lennon pointed out that every decision of the board was a unanimous one that he supported. If the board was engaged in mismanagement, as alleged in this motion, then so too must Mr Lennon have been. Labor has said that the board should go. If that is the case—if Labor members really believe in their hearts that the board has conspired in some corrupt way—then why aren't they levelling that allegation against their own party president?

If this relates to Mr Nagle's indiscretions as CEO, then the penalty determined was agreed by the whole board, including Mr Lennon. The decisions of the board on the IT modernisation process were also agreed by Mr Lennon, as was endorsed by him on Monday at the Standing Committee on Law and Justice. The decision of the board to move to a single provider model was also a decision of Mr Lennon. Again, that was endorsed by him on Monday. Mr Lennon sat on the Audit and Risk Committee at the time that Mr McCann was making his allegations. If members opposite choose to level a cover-up at the board, it must also be levelled at Mr Lennon. The simple fact is that there was no cover-up and there was no malfeasance on the part of the board. Shadow finance Minister, the Hon. Daniel Mookhey, said that the community needs confidence in a board whose probity is beyond reproach. If members opposite and Mr Mookhey truly believed that there was no way that the board could move forward, and if the board was not judged by the community to be beyond reproach, then they should have sought the resignation of Mr Lennon as president of NSW Labor.

The Hon. Walt Secord levelled mismanagement and maladministration at the board. If that were the case, the same mismanagement and maladministration must also be levelled at Mr Lennon. But Labor members have not done that because they know Mr Lennon did nothing wrong, as does the Government. Labor made Mr Lennon leave his appointment on the board because he had become a distraction from its political campaign. Members all know that there are errors and mistakes at icare. It is undeniable. We have heard about them in the media and in the Standing Committee on Law and Justice. But when you are completely rejigging the operations of a \$38 billion organisation with more than 800 employees, a new IT system, a new claims handling model and more than 42,000 clients on the books at any one time, it is hardly surprising that things do not work like clockwork. As the finance Minister outlined in the House, it is legitimate to ask whether this should have all been done at once. On reflection, maybe it should not have been. However, as Mr Lennon noted last Monday, "If not now, when?"

The unfortunate administrative errors in a massive transformation of the workers compensation scheme have been falsely portrayed as nefarious activity. The pre-injury average weekly earnings [PIAWE] matter is a case in point. The PIAWE underpayments—and the overpayments, which members opposite do not like to talk about—largely predate the creation of icare. They are largely a legacy issue of the old WorkCover scheme and they largely relate to payments made by scheme agents, not by icare. The PIAWE errors would never have been discovered if the new icare IT system had not found the data discrepancies. The State Insurance Regulatory Authority [SIRA] chief executive Ms Carmel Donnelly indicated in evidence before the Standing Committee on Law and Justice that the overpayments made through the scheme were of a similar magnitude to the underpayments. This was not some connivance to rip-off workers, as members opposite have tried to paint. This was a long-term error in calculations that icare found and raised with the regulator. Icare is fixing a fault that it did not make, using technology that it was criticised for introducing, but without which the error would never have been found.

Two final matters that Labor and The Greens have dragged into the debate must be addressed. The first concern was raised by shadow Treasurer the Hon. Walt Secord in respect of staffing arrangements in the Treasurer's office. The Treasurer has stated clearly that staff members were not handled by him personally but by his former chief of staff, who has now left his employ. Moreover, the practice of agencies providing staff to Ministers' offices is a long one. A request made under the Government Information (Public Access) Act [GIPAA] from 2010 shows that as at 17 September 2010 there were 35.5 full-time equivalent [FTE] public service staff on secondment as advisers in ministerial offices, 43.6 FTE staff acting as departmental liaison officers and, in addition, 193.6 FTE staff employed in traditional political staffing roles.

Yesterday members opposite interjected and said that the secondment of staff from a workers compensation authority was unprecedented. But on Monday at the Standing Committee on Law and Justice we heard that is untrue. Again I refer members opposite to the GIPAA request, which shows that the relevant Minister at the time, Mr Michael Daley, had a staffer provided to his office on secondment from WorkCover, the predecessor to icare. So if the Treasurer is to be censured, you would also expect members opposite to be seeking to censure the member for Maroubra.

The other matter is much more serious as it goes to the heart of confidence in the workers compensation scheme. The claims about the potential insolvency of the scheme are as reckless as they are false. Let me explain why. Generally the New South Wales workers compensation scheme relies on two sources of income: employer premiums and investment income. Unsurprisingly, given the economic downturn from COVID-19, both of those have declined and the funding ratio has also declined. However, one of the features of the scheme is the ability to draw down from consolidated revenue to cover short-term aberrations. Because of this there is no threat whatsoever to scheme solvency, even if the funding ratio falls below 100 per cent.

Mr Lennon, the Labor Party president, confirmed this in his evidence to the Standing Committee on Law and Justice on Monday. That view is backed by the internal actuaries, the external auditors at Ernst & Young and the peer reviewers of the external auditors at PwC. In other words, the people who have access to all the relevant

information, the people who are experts in this field, say that the scheme remains on solid ground. It is unfortunate that the Labor Party continues to scare people. It is utterly reprehensible that it does so. Nobody in this place is saying that icare is perfect—far from it—but when a problem has been identified, a process has been put in train to rectify it.

As we heard on Monday from Labor's party president—the man who sat on the board—the only intervention of the Treasurer with respect to the operation of icare has been to freeze workers compensation premiums due to COVID-19. The 4 per cent hike up that the Hon. Walt Secord refers to was one that was endorsed by the icare board with the Labor Party president sitting on it and approved by SIRA. The intervention of the Treasurer was to freeze premium rises as a result of COVID-19. That is a move that saved businesses in New South Wales more than \$325 million. Every step of the way these measures have been endorsed by the man who currently leads the New South Wales Labor Party, Mr Mark Lennon. The Hon. Daniel Mookhey said in this place that this motion is not frivolous. Well, if that were the case and if the Hon. Daniel Mookhey truly believes that—if he truly believes, as he said, that the Treasurer has to go and if he truly believes, as he said, that the board has to go—then obviously Mark Lennon has to go as the president of the Labor Party.

**The Hon. MARK LATHAM (11:37:17):** We in One Nation welcome votes of no confidence in Government Ministers; we just think Labor has got the wrong Minister. If it was the health Minister on the *Ruby Princess* debacle, you had us at hello. We would vote for that quite easily. There are a few others around we would vote no confidence in—no names, no pack drills there, Don. But for the Treasurer, no; we do not think the case has been made. I listened carefully to the contributions from around the Chamber. The Hon. Daniel Mookhey, as usual, was magnificent. But what happened with the shadow Treasurer, the Hon. Walt Secord—a great fellow, the voice of common sense and mainstream values in today's Labor Party? He was kicked out of the Chamber last night and had all that time to write a speech but could only fill half his allotted time. You would have to say when you are voting no confidence in your exact opposite that you have run out of puff. As for bringing up Deidre Chambers twice, it was more a case of, "Walt Secord, what a coincidence he did not get through the allotted time!"

Then there was the leader of The Greens, Mr David Shoebridge. In terms of parliamentary culture, the only other person I have seen speak in Parliament to a no confidence motion and then leave the Chamber straightaway is the Prime Minister, who obviously has to run the country and is very busy. Mr David Shoebridge scurries out of the Chamber when he has no other responsibilities in life than looking after a few graffiti artists in Hyde Park who come out of the gutter of a night to deface statues. You would think he had big responsibilities. I think it is quite a shame and disrespectful to the Parliament. If you give a speech on a no confidence motion you should stay and listen to other speakers.

**The Hon. Anthony D'Adam:** Point of order: My point of order is that the Hon. Mark Latham is making adverse comments about a member of this House. If he is going to make adverse comments he should do so by way of substantive motion.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** That is probably correct. It is a commonly accepted practice that a member who makes a contribution to debate in the House should remain in the House to listen to anything that is said after. I am certainly as guilty as anyone of not following this practice. So the point the Hon. Mark Latham makes is correct. It is not necessarily a reflection on Mr David Shoebridge because it reflects common practice.

**The Hon. MARK LATHAM:** Thank you, Mr Deputy President. I am trying to uphold the respect and good standards of the Chamber, as I have done consistently since March last year. I did not necessarily do so in a previous life but I have been a good boy here and I hope that is recognised around the Chamber. Mr David Shoebridge was waxing lyrical about who has been taking money off the workers. I was raised to hear the legends of so-called labour lawyers who would fleece the workers with fees. In the case of Mr David Shoebridge, it has turned him into a millionaire. He has earned as much money out of this enterprise as Mr Nagle himself. That level of greed—

**The Hon. Adam Searle:** Point of order: The honourable member has stepped over the line. He is making a direct attack on a member of this House, contrary to standing orders.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I agree. The member may proceed but I invite him to return to the subject of the motion as opposed to playing the man.

**The Hon. MARK LATHAM:** I am just making the point, Mr Deputy President—

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** No, the member has made his point.

**The Hon. MARK LATHAM:** I do not think the case has been made out. When we talk about greed, there is no doubt that Mr Nagle has been a greedy so-and-so to the point where he took his million dollars and then thought he would load the missus up with another \$800,000. It is disgraceful and I am glad they are both gone. In terms of the responsibility of the Minister, Dominic Perrottet, there is no doubt that a mistake was made. I remember talking to Michael Costa and John Della Bosca back in the day about the quicksand of workers compensation policy in New South Wales. It has been a problem on both sides of the Parliament. The good-natured smirk from the Leader of the Opposition indicates that that truly is the case.

It is a difficult area of public policy for both sides of the Chamber. The mistake that was made by the Treasurer was to not keep icare at arm's length as an independent authority and to expect the highest standards of accountability from it. To bring people into the office as seconded workers was an error of judgement for which the Treasurer has appropriately apologised. I was fascinated to learn from the contribution of the Hon. Scott Farlow that other Ministers may have done this as well. You do not need to be an Asian PhD graduate to know that Michael Daley made this mistake in bringing in seconded staff when he was the Minister responsible for workers compensation. It has happened on both sides of the Parliament. It has been a difficult area and errors have been made. The Treasurer quite rightly has apologised, as was appropriate.

In terms of the motion of no confidence in the Treasurer, having myself recently been through a quagmire of inadequate public policy culture in the Berejiklian Government, I acknowledge that at least the Treasurer has some reform ideas and direction for New South Wales. The budget management has been good, except for the public service wage freeze. The green paper of the NSW Productivity Commissioner that has just been released is the future of economic policy in New South Wales. And for education policy, have a look at the recommendations to free up the labour market and improve the quality of teaching in New South Wales. It is all tremendous stuff. Dominic Perrottet is a thought leader inside the Berejiklian Government where, quite frankly, some of these Ministers could not rub two thoughts together on a good night.

**The Hon. Walt Secord:** Name them.

**The Hon. MARK LATHAM:** I have named Brad Hazzard and I have another nine who fitted me up on uranium in Cabinet. I will name them in due course in the debate later in our proceedings, do not worry about that. "I have got their names," as one of my predecessors as a Labor leader in Canberra once said. We will deal with that at the appropriate time. Dominic Perrottet's thought leadership and policy direction have been good. He made a mistake with the yap yap in the office and he has corrected that. I do not see why the Chamber would go down the path of a no confidence motion when the committee inquiry is underway. The committee has done good work. It is a tribute to the Chamber that there is an accountability level and the committee has examined the material. I do not see that the case for no confidence has been made. The no confidence motion is a bridge too far and it will not be supported by One Nation.

**The Hon. ADAM SEARLE (11:43:40):** I make a contribution to this debate on the no confidence motion directed to the Treasurer and the icare board. My colleague the Hon. Daniel Mookhey has comprehensively set out the case against the Treasurer and the board on account of the mismanagement of the workers compensation scheme, a case that has not substantively been answered by the Government. This week the performance of the Treasurer was described by the Leader of the House as outstanding. A better description would have been astounding or even shocking. The Government so far has chosen to respond by attacking the Labor Party and its motivations, while engaging in a hagiography of the Treasurer. But it has failed to address the serious and specific matters raised in this debate other than in the most general way.

This shows that in their hearts, those opposite know the Treasurer has failed in his duty to injured workers in this State, to the 360,000 businesses that depend on a proper workers compensation and insurance system as well as the wider community. The finance Minister says this motion is designed to undermine confidence in the Treasurer when the economy is in recession and we are in the middle of a pandemic. But it is the Treasurer's own failures and the intransigence of both the Treasurer and the Government in refusing to accept responsibility for the failures outlined that are undermining public confidence in the Government, in the Treasurer and in the scheme. If they were serious, they would take that responsibility seriously.

The finance Minister tried to advance the claim that the current scheme is somehow superior to the one it replaced despite it having the lowest level of financial and medical benefits for injured workers that we have seen in a generation. The current scheme does not support workers when they are injured. Instead, it imposes harsh time limits, and arbitrary and dishonest impairment thresholds that artificially cut off people who still need medical treatment, which throws tens of thousands of injured workers onto the scrap heap. Yet despite this the Minister still claims the scheme is somehow an improvement.

The Parliamentary Secretary said icare was not to blame for underpaying workers. He blamed the Workers Compensation Amendment (Pre-Injury Average Weekly Earnings) Regulation 2019 [PIAWE]. But PIAWE was

created by this Government in its 2011-2012 reforms, so this Government cannot avoid responsibility as these problems have existed for some time. The Government has not responded to the charges laid at the Treasurer's door. The 52,000 workers underpaid \$80 million is the biggest example of wage theft seen in this State. There has been no defence of that, only an allegation that others have been overpaid as well. What is the Government doing about the underpayment and how did it happen?

Declining return-to-work rates and increased treatment costs—driven partly by poor claims management—are leading to a serious deterioration in scheme finances. This is impacting both general scheme finances and, as the Hon. Daniel Mookhey outlined, the \$4 billion bailout of the Treasury Managed Fund that the Government maintains as a self-insurer. It is now so bereft of funds that at two minutes to midnight on 30 June the Treasurer was still dithering about the bailout of the fund. Regarding the bonuses paid to 200 staff, usually bonuses are only paid when you meet or exceed expectations—when the financial management of an enterprise is soaring like an eagle. But this Government pays bonuses when scheme finances are driven into the ground and when all the performance indicators are heading south not north—it is just extraordinary.

The Hon. Mark Latham mentioned the \$800,000 contract awarded to the wife of the former CEO. What is extraordinary is that the Government has not acknowledged that this is a real issue. The finance Minister, who is responsible for public procurement in this State, could not assure this House that procurement guidelines were followed in that case. He is hiding behind the McDougall inquiry, which will not report for over a year. This is another example of this Government, despite repeated opportunities, failing to show contrition or even acceptance that it is accountable to this Parliament and to the wider community.

We have seen the awarding of multimillion dollar contracts tainted by conflicts of interest that were not disclosed when those contracts were awarded. Icare has attacked the regulator meant to oversee it simply for doing its job. We have also seen whistleblowers within the organisation attacked in the most disgraceful way. This is not one failure or two failures or three failures. There is not just a welter of failures but a comprehensive dropping of the bundle when it comes to fulfilling its responsibilities. The list just goes on, and this is before we get to the issue of using icare's finances to fund political positions in the Treasurer's ministerial office.

I come now to the issue of the secondment. It is practice for governments to second persons to their office with knowledge and expertise in certain areas. However, the particular individual we are talking about never worked a day in his life in icare. He was a staffer in the Treasurer's political office for two years before he obtained employment at icare. Did he go off from the Treasurer's office to icare? Did he have a desk at icare or a swipe pass to get into the building? No, he stayed in the Treasurer's office. Even when the whole pack of cards came down, did he go back to icare? I do not think so; he did not have a desk there. The fact is that was not a secondment. That was a complete sham designed to circumvent the rules on ministerial office budgets; it is clear as the nose on your face. What was icare doing funding the receptionist in the Treasurer's ministerial office? This just does not bear any level of scrutiny and there is no understanding by the Treasurer or those members opposite that any of this is somehow either serious or wrong.

That is perhaps the most disturbing thing in this debate: no acceptance of responsibility, no understanding that this is not acceptable. If members were to go out and find someone in Macquarie or Phillip streets and acquaint that person with these facts, then ask them, "Does this sound legit to you?" I guarantee nobody would find these facts acceptable. What is disturbing in this debate is that we have yet to hear anything resembling an actual defence of any of these matters. There is a bit of smoke being blown at the Treasurer about what a great bloke he is. There are the traditional political attacks on the Opposition for having the temerity to try to hold the Government to account on these multiple and very serious failures.

However, no-one has come to terms with any of these matters. No-one has given a plausible or even passable explanation of why these matters, taken together, do not justify this motion. This motion is justified, if only because the Treasurer has no understanding that he is in any way to blame. Yes, he mouthed the words on ABC Radio yesterday, but he does not accept responsibility. This Government does not accept responsibility. Very disturbingly, its members do not actually think it has done anything wrong. They do not think the Treasurer has done anything wrong, and neither does he. If for no other reason, that is why this motion is important. That is why this House should signal its discontent as framed in the motion.

**The Hon. TREVOR KHAN (11:52:54):** Many members come into this place with a variety of ambitions and expectations. Over time one learns one's place in the pecking order—where one might get and, certainly, where one will not. It has been a privilege of mine to spend a good deal of my time in this place on committees. I remember an exchange I had early on at a particularly aggravated spot with the Hon. Duncan Gay. In giving me the news that certain things would not happen he said that, however, some of my best work was on committees. The inference was, "Suck it up, princess, that is what you will do"—and that is what I have done.

One of the great privileges of that committee work has been to serve on the Standing Committee on Law and Justice. The member who taught me early on about how a member works on Law and Justice was the Hon. David Clarke, who was in truth not somebody I could have said to have been a political ally. It was a pretty fractious relationship at times. But he made the point that some of his best work was on Law and Justice working with Mr David Shoebridge, whom he identified as absolutely on the other end of the political spectrum but whom he thought was excellent on that committee. Why? Because the spirit among members on the Standing Committee on Law and Justice is actually to try to strip out some of the politics of the exercise and try to achieve reports that produce good results. We have seen that over and over again in the area of workers compensation and compulsory third party insurance. Members on that committee at times have taken a little bit of a risk of trying to push the Government in directions that the Government may not wish to have gone. That is the bravery of the Standing Committee on Law and Justice. That is how we work.

I can tell you that Mr David Shoebridge and various Labor members will concede that at times the committee may not push as far as they might want to go; if we all reach a unanimous position with regards to recommendations, it will be a bit more difficult for the Government to ignore. That is what we have done consistently over the time I have been a member of the committee. Indeed, in terms of the inquiry into a review of workers compensation the committee is now undertaking, that is what members again have attempted to do. Unlike so many other committees in which the Government members are trying to put other members off their stroke and trying to use up the time so that other members' questions will not be asked—

**The Hon. Peter Primrose:** I knew that is what you were up to.

**The Hon. TREVOR KHAN:** I think I became quite skilled at it over time. But we do not do that on the Law and Justice committee. The Hon. Daniel Mookhey and Mr David Shoebridge know that. The Government members have not tried to frustrate this inquiry in any shape or form, perhaps at a little bit of risk to ourselves, but there are serious matters to be inquired into. Workers compensation is a very serious matter and some of the material is concerning. The committee is part of the way through an inquiry that is examining that material and this motion has been moved today when we do not even have a transcript of Monday's hearing.

**The Hon. Don Harwin:** Absolutely.

**The Hon. TREVOR KHAN:** Various assertions have been made with regards to the evidence. I have to say some of those assertions are not my recollection of the evidence. How do we prove it today? We cannot because we do not even have a transcript. This is, in a sense, the equivalent of a lynching.

**The Hon. Daniel Mookhey:** No!

**The Hon. TREVOR KHAN:** No, hear me through. The poor fellow has been taken to the cells and the barking crowd is outside ready to drag that poor fellow out and string him up from a tree, with no process being followed. The Law and Justice committee is undertaking its work and continues to undertake its work. We, the Government members, are cooperating in that process because they are serious matters—I emphasise "serious matters". We should be allowed to do it. That is the job that this House gave that committee, not only to inquire but also to report. What is happening here is we say, "Well, we've taken a bit of evidence but bugger the report. We'll just proceed on, even without a transcript." My goodness, that is a political lynching. We have a job to do.

This House has a serious job to inquire and report and that is what we should do. This motion is misconceived because it seeks to cut across the very things that we say repeatedly this House should do. Repeatedly we say that, for example, bills should be referred to committees for consideration and report, not, "Well, we'll send it off to a committee and, look, we have heard some of the evidence but we'll come to a conclusion anyway." Indeed, last night I heard some evidence with regards to the Abortion Law Reform Repeal Bill and noted that that was a point of complaint by members on both sides of this Chamber. We on the Law and Justice committee are not undertaking a sham inquiry. We are allowing witnesses to be called. On Monday we allowed extra time because Labor and Mr Shoebridge had not had time to go as far as they wanted to in eliciting evidence. A Minister of this House might not have been particularly pleased, but there was no problem.

**Mr David Shoebridge:** It was only 12 minutes.

**The Hon. TREVOR KHAN:** I absolutely concede that point. But there was no attempt not to do that, and that will continue to be the position that I adopt. We have got to do this and we have to do it properly, but this is not the way to do it. Let us get through to the end. Let us have the deliberations. Let us soberly consider the material that we have available to us—like transcripts—and then, once we have done that, bring a report to this House, debate that report and if those opposite want to have the fur and feathers flying then, do it then.

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

*Questions Without Notice***MODERN SLAVERY ACT 2018**

**The Hon. ADAM SEARLE (12:00:15):** My question without notice is directed to the Leader of the Government and Special Minister of State. Given the Modern Slavery Bill was passed by both Houses of this Parliament more than two years ago, and even given royal assent, why is the Government not bringing the legislation into force and denying vulnerable people protection?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:00:28):** As members are aware, I previously advised the House that the Modern Slavery Act contained a number of legal and operational difficulties—

**The PRESIDENT:** I call the Hon. Greg Donnelly to order for the first time.

**The Hon. DON HARWIN:** —that prevented it from commencing operation. On 10 July 2019 I referred that piece of legislation, an amendment bill and a draft regulation to the Standing Committee on Social Issues for its inquiry and report. I also included the Government's submission to the inquiry to better inform committee members and key stakeholders of the extent and nature of the Government's concerns. The parliamentary inquiry has been a collaborative process, and has provided business and civil society an opportunity to shape the Government's response to modern slavery. I thank the committee, led by its chair, the Hon. Shayne Mallard, for the work that it has done. The committee concluded its inquiry and tabled its report on 25 March, with a stated due date for the Government response being 25 September 2020.

**The PRESIDENT:** The Clerk will stop the clock. The Minister will resume his seat. I remind the Hon. Greg Donnelly that he is already on one call to order. I could easily have called him to order for the second time. I am well aware of today's *Notice Paper*; I am well aware of the motion that is being dealt with that we will return to after question time. I ask the Hon. Greg Donnelly to cease interjecting. If he interjects again I will call him to order for the second time. The Minister has the call.

**The Hon. DON HARWIN:** As I said previously, the committee concluded its inquiry and tabled its report on 25 March, with a stated due date for the Government response being 25 September 2020. The Government is currently considering the recommendations and when they are finalised it will table its response in line with the time frame specified by the House.

**The Hon. ADAM SEARLE (12:03:22):** I ask a supplementary question. In relation to that part of the Minister's answer where he described the legal and technical difficulties associated with bringing the Act into force, the amendment bill, the draft regulation and now the committee's report, which the Government has had for a number of months, can the Minister indicate when the Act will be brought into force?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:03:54):** I think the matters that are canvassed in the supplementary question were adequately covered by my response to the first question.

**RIVERINA MURRAY REGIONAL ALLIANCE**

**The Hon. TAYLOR MARTIN (12:04:25):** 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 Local Decision Making program?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:04:36):** I thank the Hon. Taylor Martin for his question and congratulate him on his interest in this topic. The OCHRE Local Decision Making program brings benefits to both Aboriginal communities and the New South Wales Government through true partnerships and dedication to common goals. The program is underpinned by local accords, signed with Indigenous bodies to inform on delivery of service priorities to the region from which they come. Those eight priorities are far-reaching and address law and justice, health, healing and wellbeing, governance and community engagement, employment and business development, education and training, aged care and transport.

On 19 August 2020 the Riverina Murray Regional Alliance [RMRA] and the New South Wales Government held a virtual ceremony to acknowledge the signing of its accord. The Ngunggiyalali, as it is known, was the fifth accord signing under the program, which was the first virtual signing of an agreement of this kind. It was an honour to sign the accord on behalf of the New South Wales Government with Ruth Davys, chairperson of RMRA, as we acknowledged the ability of the alliances and the Government to adapt to the new normal we are living in. The event was attended by members of RMRA, Aboriginal Affairs NSW representatives, and invited guests including the member for Albury, Mr Justin Clancy, and the member for Wagga Wagga, Dr Joe McGirr.

Ms Davys acknowledged the significance of the signing and the Local Decision Making process, which gives Aboriginal grassroots leaders the power to achieve their communities' aspirations with the support of the Government. With the signing complete, the negotiating parties will continue to collaborate to finalise schedules for the Accord priorities. The schedules will form an implementation plan for the next three years, committing both parties to working together to achieve meaningful and positive change for Aboriginal communities in the Riverina Murray region. I am very proud of what Local Decision Making has achieved so far. I am encouraged by its potential to go further into different areas in which the Aboriginal community are concerned. I look forward to seeing the ongoing positive impacts of this accord and other matters to which those principles may be applied.

### YOUTH SUICIDE

**The Hon. PENNY SHARPE (12:07:02):** My question is directed to the Minister for Education and Early Childhood Learning. Given that we are seeing the highest levels of youth suicide in New South Wales in 15 years, what is the Government's response to community calls for the fast-tracking of additional school counsellors?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:08:02):** I thank the member for her question. I say at the outset, and I think I speak on behalf of all members of the House, that it is never easy for any of us to hear of something as distressing as a young person taking their life. We send our deepest sympathies and condolences to the families of those students to whom the Hon. Penny Sharpe referred. It is really important when members of Parliament are talking about those issues that we are sensitive and respectful in our debates, knowing that for many students it is a tough time. We are seeing that reflected in some of the tragic incidents that are occurring.

I advise the Hon. Penny Sharpe that the number one priority for us in education is supporting the mental health and wellbeing of students in schools right across the State, particularly in 2020—a year like no other. We have had drought, bushfires, floods and the COVID-19 pandemic. It is absolutely normal for students and staff to be feeling additional pressures, particularly this year which is why this Government is committed to the rollout of that extra support in our school communities. It is also pertinent to say that the suicide of a child or a young person is a tragedy that has a devastating impact not just on their family but it also has a long and lasting impact on friends and peers, as well on the school and broader community. We know that, sadly, suicide is a leading cause of death in young people.

Obviously we have made a commitment of \$88.4 million to provide every public high school in New South Wales with two dedicated professionals to ensure that students have access to timely mental health and wellbeing support. Up to an additional 100 counsellors and school psychologists will be employed so that every school has full-time specialist psychology support on site. We are on track with our commitment of rolling that out over the next few years. My advice is that we will have 25 per cent of those positions filled by the end of this year. We are also rolling out our tranches of student support officers, again to complement the work that is being done by those psychologists and counsellors, providing students with accessible support when they are feeling stressed or anxious or facing issues both in the classroom and in their community. Their job is to act as a connector between students and families and external family agencies as needed.

As I said, we are rolling those out this year in the time frame that we committed to. The factors that contribute to the tragedy of a young person taking their own life are varied and complex. Suicide prevention requires a system-wide and multifaceted approach. School counselling services are an incredibly important part of that. However, they form only one part of what we know needs to be a systemic approach to support students' mental health and wellbeing.

**The Hon. PENNY SHARPE (12:11:09):** I ask a supplementary question. I thank the Minister for her answer. It was quite comprehensive. Will the Minister elucidate that part of her answer about the rollout of the programs to which the Government has committed? As a result of the times we find ourselves in, will the Minister confirm whether the Government intends to speed up the rollout of that program?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:11:34):** As I said in my original answer, the Government is committed to filling the positions by 2023. By the end of 2020 we will have hired 25 per cent of the new positions. They will be phased in over that period. As at 24 August 2020, the initial 25 school counselling positions have been filled and 139 of those support officers have commenced in schools. A further 14 student support officers will commence duties in the coming weeks and the remaining 26 for this year are in the final stages of recruitment.

Obviously, the school counsellors and student support officers are critical and they complement other services and programs that we have, not only in our school communities but also outside. As I said, they are an important part of what we are doing but they are not the only thing. We are working with a range of different agencies—for example, the Youth Aware of Mental Health, or the YAM program, a mental health and suicide

prevention program for young people aged 14 to 16 delivered by accredited instructors. We have 16 dedicated head teacher positions to lead the implementation of the program. We collaborate with the Black Dog Institute and an expert advisory group to develop a suite of professional learning for school counselling staff, based on the latest evidence in managing suicidal behaviour in students. We work also with headspace and NSW Health. A range of support mechanisms exist in our school communities.

The Government is cognisant of the fact that 2020 is a challenging year, not only within department schools but also within the Catholic and independent sectors. We are talking to our school communities about how we can better support them throughout the pandemic. We will roll out those counsellor positions in accordance with our election commitment. The other programs I have referred to are already in place. We will continue to work with our school communities throughout 2020. [*Time expired.*]

**Mr DAVID SHOEBRIDGE (12:13:41):** I ask a second supplementary question. I appreciate the detail of the Minister's answer and the respectful manner in which she dealt with the subject. The Minister made repeated references to the Government's 2019 election commitment of an additional 100 counsellors. Will the Minister consider urgently raising that number, given that so much has changed since the election and, in particular, the pressures we are now seeing across the student population as a result of the pandemic?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:14:15):** As I said in my earlier answer, we have the rollout underway in terms of that increase. That is about making sure that all of the schools have access to a full-time counsellor. All of our schools currently have part-time counsellors and it is about lifting that up to make sure that we have the two positions with the additional student support officers and the counsellors. I will say in response to the member's question what I said before: This is one part of what we do. There is support out there for students who need it and ask for help. We need to be very careful, and I say this respectfully, in the conversations that we have about this. The last thing I would want, and I am sure the mental health Minister would agree, is for students to think that there is not enough support for them.

I do not want anyone listening to Parliament or reading media and thinking there are not enough counsellors out there and there is no-one to help them. There is support, there is help, there are counsellors working in all of the schools and we are working to increase the number. As the member would appreciate, it is an incredibly specialised field. We are bringing in counsellors who have both teaching and psychology qualifications. We have psychologists and we have scholarship programs. We are rolling people through to fill those vacancies as quickly as we can because we understand it is important. That is why we have the time frame that we do. It is a huge issue and we are extremely cognisant of doing what we can to support our school communities.

We are working to the time frame that we have and looking to expert advice from outside the community, partnering with the Department of Health and organisations such as headspace, that are experts in this field. It is something we must work on together. What happens in school communities is incredibly important, but it is part of a greater wraparound of available support in the community for these students. It is a priority to ensure that they are supported. We must reinforce the message that if students need help they can ask for it and they will get it. They should not be afraid to put up their hand if they are struggling.

#### SPECIAL RELIGIOUS EDUCATION

**Mr DAVID SHOEBRIDGE (12:16:15):** I direct my question to the Minister for Education and Early Childhood Learning. Will the Minister explain to the House why the Government refuses to collect data on how many schoolchildren in each public school attend special religious education and how many attend non-scripture? Is it because the Government knows that the evidence will be damning and show extraordinarily low rates of attendance at special religious education classes?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:16:41):** I thank the member for his question in relation to data on special religious education and special education in ethics.

**Mr David Shoebridge:** Special religious education.

**The Hon. SARAH MITCHELL:** So, not ethics, just special religious education. The member has raised this issue many times in the House, and outside as well. The member understands that we have the opportunity within the Act to offer both special religious education and special education in ethics. I will take on notice the specifics about data collection and respond shortly.

#### MINISTER'S STUDENT COUNCIL

**The Hon. WES FANG (12:17:27):** I address my question to the Minister for Education and Early Childhood Learning. Will the Minister explain to the House how the Government is helping to shape the future of education in New South Wales?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:17:42):**

I thank the honourable member for his question. It is very important that young people have a say on matters that impact them. That is why earlier this month, as Minister for Education, I was delighted to announce the first Minister's Student Council, which will enable students right across this State to have direct input and influence on education and school policy. The Minister's Student Council will be the peak forum for interaction between New South Wales public schools, the Department of Education and the New South Wales Government. The council will be created from the ground up by students. The first student involvement in the council will be a steering committee tasked with designing the council, its elections and governance, and how it will engage students from all backgrounds right across the State.

Students will decide the exact setup of these meetings, the issues to be discussed and what the Government can do to make our State the best education system in the country. Delegates to form the council will be elected from a range of secondary schools across the State ensuring representation from metro, regional and remote areas. To ensure diversity the council will have Aboriginal representatives, representatives with disability, and students from regional and remote parts of the State. One of the reasons why this council is such a great initiative is that when we talked to our school communities about managing issues during COVID-19 there was good interaction with teachers organisations, principals groups and parents, but what I found was missing was the student voice. When we look at the COVID-19 recovery and where to next, the Government will look at a broad range of matters like infrastructure to reboot the economy. The Government will make sure that as part of the COVID-19 recovery students are at the table in terms of what we have learned and where we can go next. That will be an exciting first initiative that the student council can look at.

We also launched a new online Student Voice Hub earlier this month, which will be used to give all students a platform to share their views and creativity with the wider community. The hub hosts content created by students, for students. Very passionate and creative students in our public schools can publish their work and express themselves. In an Australian first, the hub will be curated by a professional editor based in the department. Students will be able to pitch their ideas and refine their work, which will help to develop their skills. I hope the hub will become recognised worldwide as the benchmark in student voices. We have very talented students with brilliant minds in our schools and I look forward to reading, watching and experiencing what they create for the hub. These platforms are all about giving students greater capacity to provide feedback directly to the Government after their lives were turned upside down in 2020. I believe students are well placed to guide policy and future announcements in New South Wales. I look forward to commencing the planning and design process for the first student voice council. The first event is due to take place in 2021.

**WATER MANAGEMENT**

**The Hon. MARK BANASIAK (12:20:44):** I direct my question to the Leader of the Government, representing the Minister for Energy and Environment. Why is the New South Wales Government's environmental water access licence No. 36338 being used by foreign corporation Webster Ltd and Duxton Water to store water and carry it over for irrigation? Can Australian mum and dad farmers also access the New South Wales Government's water access licence No. 36338 to store water and carry it over for irrigation? If so, what is the public process?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:21:15):** The question contains considerable detail. I am not altogether sure that the Minister for Energy and Environment is necessarily responsible for that, but I will refer the question to him. No doubt he will provide an appropriate response to the honourable member in due course.

**SCHOOL COUNSELLING SERVICE**

**The Hon. TARA MORIARTY (12:22:05):** I direct my question to the Minister for Education and Early Childhood Learning. On 17 June the Minister stated in her answer to a question on notice regarding additional school counsellors:

... it would not have been appropriate to place additional school counselling staff in schools. The existing school counselling service has been available to provide mental health support for students throughout this time.

Given the highest rate of youth suicide in New South Wales in 15 years, does the Minister still stand by her answer?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:22:23):** I thank the honourable member for her question. I do not have a copy of the question on notice. I receive quite a few of them. I am happy to be corrected, but my recollection is that this related to a question about the placement of counsellors during the learning-from-home period. Obviously at that point students were not in schools. They

were learning from home during term two. My recollection of the advice I received from the department was that counsellors were providing services to students remotely, given that students were learning from home and were not in the school community. It was not a case of counsellors not being available to students. The fact of the matter was that we had students learning from home. That is my recollection of the answer and that is why I provided that response.

#### **TAMWORTH HOSPITAL MENTAL HEALTH UNIT**

**The Hon. TREVOR KHAN (12:23:16):** I address my question to the Minister for Mental Health, Regional Youth and Women. What is the New South Wales Government doing to assist people facing acute mental health challenges in the Tamworth region?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:23:53):** I thank the honourable member for his question. On 3 August the New South Wales Government announced that it would fund a new purpose-built mental health unit at Tamworth Hospital. That was a key Government election commitment. The new facility will replace the former Banksia Mental Health Unit, which stands alone at the top of the hospital site and is not physically connected to the main hospital. The new unit will be more closely linked to the hospital's emergency department, creating a seamless pathway to modern mental health care.

This is a huge win for the local community. I was fortunate enough to travel to Tamworth with Minister Anderson, where I visited the Banksia Mental Health Unit and met some of the amazing people who have been advocating for its upgrade. Families, friends and carers of people with mental health issues realised that this facility was not good enough for their loved ones, and they were right. Minister Anderson, the member for Tamworth, was unstoppable in his advocacy for these people and his community. He has been working closely with me and Minister Hazzard to ensure the Government progressed these plans so that his community could access the world-class mental health treatment that it deserves.

The Tamworth mental health unit provides inpatient care to patients from the New England area and north-west of New South Wales. The current Banksia unit is a 25-bed facility. The new unit will provide eight additional beds. This means a 30 per cent increase in inpatient mental health support in the region. As this is a regional area that is attracting growth, it is crucial that we keep up with the growth by making sure the provision of services matches the population. The new facility will assist the Hunter New England Local Health District to attract and retain additional healthcare staff as well as to support the existing workforce. The community has been instrumental in advocating for the new unit. Mental health consumers, family members and carers with lived mental health experiences will be invited to contribute to the design of the new facility.

When I was in Tamworth visiting the Banksia unit and the nearby community mental health building, it was apparent to me that the people who worked there had made it their life goal and passion to provide timely, compassionate care to those who needed it most. These hard workers find solutions when challenging problems arise. It was very rewarding for me to be in Tamworth and it gave me the opportunity to see what the mental health clinicians are working with down there. The previous facilities were built a long time ago; mental health care delivery has changed considerably over time. The workforce and committee have been committed to making sure the campaign for a new unit has been respectful and thoughtful and that it will benefit the whole community. The committee members are an incredible bunch of people. They are all volunteers who have children, partners and loved ones who have experienced mental health illnesses. The work of those volunteers to get a fantastic new unit is a credit to them.

#### **NSW BUSHFIRE INQUIRY**

**The Hon. ROBERT BORSAK (12:26:56):** My question without notice is directed to the Leader of the Government in the Legislative Council, representing the Premier. Following the release of the final report of the NSW Bushfire Inquiry, the Premier publicly announced her Government would be implementing all 76 recommendations. Given we are five days away from the 2020 fire season officially beginning, when is the Government going to fully implement the recommendations and what is the legislative timetable to do this during the remaining sitting weeks of this year?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:27:23):** I thank the Hon. Robert Borsak for his question. It is a timely and good question. The Premier will be able to supply a response to that no doubt in consultation with the Minister for Police and Emergency Services.

## YOUTH SUICIDE

**The Hon. MARK BUTTIGIEG (12:27:50):** My question is directed to the Minister for Mental Health, Regional Youth and Women. Given it was reported that the number of suicides among 15- to 24-year-olds is expected to increase by 30 per cent in the next five years, does the Minister still believe that the New South Wales suicide prevention strategy is fit for purpose?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:28:19):** I thank the member for his question. It is very pleasing that in the Chamber today we are putting such a focus on mental health. We do need to talk about it but we need to talk about it in the right way. I presume the member was referring to a Brain and Mind Centre report. May I ask if that is the first, second or third edition of that report that the member is referring to in his question?

**The Hon. Mark Buttigieg:** My understanding is it is the third.

**The Hon. BRONNIE TAYLOR:** It is the third. That is due to be spoken about today at the press club.

**The Hon. Penny Sharpe:** You do not ask questions. Just answer the question.

**The Hon. BRONNIE TAYLOR:** I have to clarify because there are two editions which use different types of data to come to that 30 per cent. I need to know which one the member is referring to.

**The Hon. Penny Sharpe:** We are talking about the one that says it is a 30 per cent increase. If you want to argue the toss about figures, you can.

**The PRESIDENT:** Order! If the Minister is not certain about what is being asked, she should indicate that and proceed to answer what she can. It is not for the Minister to ask questions. If the question is not clear, that is a matter for the member who asked the question. The Minister can only answer what she believes she has been asked.

**The Hon. BRONNIE TAYLOR:** I was just trying to help.

**The PRESIDENT:** I understand that, Minister.

**The Hon. Greg Donnelly:** Don't need your help. How rude!

**The Hon. BRONNIE TAYLOR:** I was not being rude. I was being very factual.

**The PRESIDENT:** I do not believe the Minister was being rude to the Chair. In fact, it was the exact opposite. The Minister was trying to assist the Chair and the member who asked the question.

**The Hon. BRONNIE TAYLOR:** I refer to the second report of the Sydney Brain and Mind Centre. The first report that looked at predictable percentages for suicide used modelling and data that was from the North Coast only. The second report took in more considerable data for the model. As the mental health Minister, I am concerned if there is any data or modelling predicting an increase, but it is really important that we consider all of the factors involved. Youth suicide is very complex and has many variables.

When talking about youth suicide we must ensure that we are considering the different variables. If all of the interventions that are in place are not considered, it will give us a different result. In saying that, reports in the media have indicated an increase in youth suicides. The Coroner has to determine what the actual cause of death was, so I cannot comment on those numbers because they have not been confirmed. This Government is putting multiple measures in place to ensure that we can— *[Time expired.]*

## COVID-19 AND STATE ECONOMY

**The Hon. SAM FARRAWAY (12:32:02):** My question is addressed to the Minister for Finance and Small Business. Will the Minister update the House on the New South Wales Government's commitment to productivity reform in this great State?

**The PRESIDENT:** I call the Hon. Mick Veitch to order for the first time.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:32:25):** I thank the member for his question. The Premier has made it clear that rather than just repairing our economy, now is the time to ensure that we build it to be even more resilient and self-sufficient. I have previously spoken about the New South Wales Government's COVID-19 Recovery Plan, which comprises six key points: infrastructure, planning and precincts, education and skills, digitisation, advanced manufacturing and local supply chains, and Federal and State relations.

Another element of building our future economy depends on the reforms we make today. That is why the Treasurer should be applauded for his work with the NSW Productivity Commissioner. The commissioner

recently released a green paper entitled "Continuing the Productivity Conversation", which identifies big and small measures that the Government should take in the short, medium and longer term. The suggestions contained in the green paper have been developed in consultation with community, industry bodies, representative organisations and the not-for-profit sector. The topics explored in the green paper include skills, education, planning, regulation, water and efficiency, taxation and infrastructure. For example, draft recommendation 8.1 of the green paper states that New South Wales should set out a program to replace inefficient taxes with more efficient ones. The Commissioner is seeking feedback on those issues and will develop recommendations for government to support our State's ongoing prosperity and lay the foundations for growth in the years to come.

**The Hon. John Graham:** Your Federal colleagues have given you some feedback on them.

**The Hon. DAMIEN TUDEHOPE:** I know. The shadow Treasurer must have misplaced his previous submission to the Federal Financial Relations Review and missed the deadline for making that submission. I want to make sure he knows he is still the shadow Treasurer. I look forward to reading the shadow Treasurer's submission on this green paper and his views on how this great State should be moving forward on reform and increasing productivity.

#### RIVER CLASS FERRIES

**Ms ABIGAIL BOYD (12:35:34):** My question is directed to the Leader of the Government, representing the Minister for Transport and Roads. This week it was reported that the 10 new River Class ferries purchased off the shelf from overseas were not only built using asbestos but also would pose the risk of decapitating unwitting passengers who dared to use the top deck as the ferries pass under bridges on their routes. Does the Minister stand by his assertion that they have been "purposefully designed this way" and, if so, what other transport projects has the Minister purposely designed to fail?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:36:16):** The member has asked a number of questions about whether the Minister stands by certain statements that he may have made.

**The PRESIDENT:** The Minister will resume his seat. The Clerk will stop the clock. I could not hear what the Minister was saying so I am sure Hansard had no chance of recording what the Minister was saying. The Minister has the call.

**The Hon. DON HARWIN:** I have got no hope, Mr President, if you cannot—

**The Hon. John Graham:** Point or order: Can you ask the Minister to stop reflecting.

**The PRESIDENT:** I almost called the Minister to order for that reflection. The Minister has the call.

**The Hon. DON HARWIN:** The question asked by Ms Abigail Boyd requires a response from the Minister in the other place as to whether he stands by particular statements he has made. I am not in a position to provide that information to the House. The member will not be surprised to learn that the note that my adviser has handed up does not cover those two points. In the circumstances, it is appropriate that I refer the question to the transport Minister and ask him to provide a response to the member in a timely fashion.

**Ms ABIGAIL BOYD (12:38:53):** I ask a supplementary question. Does the Minister plan to name the first of those ferries Ferry McSever as it was reported on Twitter?

**The PRESIDENT:** Order! The member knows better than to deliberately ask a question that does not qualify as a supplementary question. If she continues to take advice from another member to do so, I will call her to order for the first time.

#### COVID-19 AND SCHOOLS

**The Hon. ANTHONY D'ADAM (12:39:34):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given parental concerns that school communities are not notified if someone in the household of a student tests positive to COVID-19, will she now revise the notification process so that school communities are immediately notified about any potential COVID-19 exposure?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:39:57):** I thank the member for his question. He has raised this issue with me in question time previously and I will repeat an answer similar to the one I gave him then. Obviously the notification process when it comes to communications around a positive case and who is told at what point is managed by Health. Health knows when there is a positive or likely positive test and lets us know in Education. We have responsive communication protocols in place in partnership with NSW Health when there is a confirmed case of COVID-19 that impacts a school or workplace.

As I have said in many other instances, this is about the contact tracing that we do to identify close contacts of a confirmed case. That is done by Health with the participation of Education to access those schools and those records. In some cases this might require closing the school. We then have the communication to parents advising them whether a child has been in close contact with a confirmed case and there is also a cleaning process. From the Department of Education's perspective, we take the advice from Health in terms of what is communicated and when, and we work very closely with it. If the member has questions or concerns in relation to that process and the time frame, in terms of who is impacted or who is notified of potential cases, they are probably best directed to the health Minister or his representative in this Chamber, as Health takes the lead in relation to the notification processes around COVID.

### COVID-19 AND STATE ECONOMY

**The Hon. SHAYNE MALLARD (12:41:38):** My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government's Planning System Acceleration Program helping the COVID-19 economic recovery?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:41:55):** I thank the member for his question. From the start of this pandemic the New South Wales Government, under the leadership of the Premier, has been clear that there are two simultaneous challenges. The first and paramount challenge is the public health challenge. Based on public health advice we are committed to keeping our communities safe. But we are also facing an economic challenge. We need to make sure as much as we can that we are taking steps to keep businesses in business and people in jobs. A big part of this is the Government's six-point COVID-19 Recovery Plan, which outlines the way forward. A major component of this plan is fast-tracking projects to create jobs.

To be considered for a fast-tracked assessment the development application or rezoning must be in the system already, deliver a public benefit, demonstrate an ability to create jobs during construction and commence construction within six months. All projects must still be considered in accordance with the requirements set out in the Environmental Planning and Assessment Act 1979 and are subject to the same level of rigorous assessment and opportunity for consultation as at any other time.

At last count, almost 80 projects have been approved in the first four tranches of fast-tracked assessments. These combined will create more than 48,000 new jobs and inject \$22 billion into the State's economy. We ought to celebrate the result in relation to employment in this State. By every reasonable indicator New South Wales is at the forefront of driving the national recovery in relation to COVID. Looking at the performance of some other States in relation to their participation in the national recovery, it is certainly the inspiration of the Premier and the Treasurer to make sure that we in fact provide the groundwork for the ability to create jobs and to drive the State economy forward.

To date some of the projects approved include the Snowy 2.0 main works, which will create 2000 jobs; Ivanhoe stage one in Ryde, with 950 social housing units and 128 affordable rental homes, which will create 572 jobs; the new Warnervale Public school on the Central Coast for 460 students, creating 232 jobs; and the Cricket NSW Centre of Excellence in Parramatta, which will create an additional 250 jobs. Decisions on tranche five projects will be made by 11 September. I know all members opposite will look forward to hearing an update on these projects from me in the near future.

### COVID-19 AND SCHOOLS

**Mr DAVID SHOEBRIDGE (12:45:58):** In directing my question to the Minister for Education and Early Childhood Learning, I note the question asked earlier by the Opposition. I ask: Will the Minister work with NSW Health to urgently revise school COVID-19 communication guidelines to ensure there is rapid and timely sharing of information with public school communities once a family member of the student tests positive? I ask because I know from recent personal experience that silence from the school, in accordance with State protocols, means students and parents are forced to fill the vacuum with rumours, texts and other informal communications which, I think we can all agree, is very suboptimal.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:46:04):** I thank Mr David Shoebridge for his question. What I will say, and this will probably just add to some of the answer I gave earlier to the Hon. Anthony D'Adam, is that there are communications protocols in place based on the advice from NSW Health in relation to what goes out to our school communities. As I said, to those actions around contact tracing, communication with parents to advise them whether their child has been in close contact with a confirmed case and the thorough cleaning of the school I add that all families receive formal notification from the school to advise what to do if their child has been at school on a day when an individual, who is confirmed to have had COVID-19, is considered to be infectious whilst on the school site.

The parents and carers of children who are confirmed to be in close contact with someone who has tested positive to COVID-19 while at school will be notified via phone call and in writing. Obviously there then will be letters provided to the parents and carers with information about their child's period of home isolation. As Mr David Shoebridge would appreciate, this all comes from NSW Health. I can also tell Mr David Shoebridge that when a child is not deemed to be a close contact to a confirmed case of COVID-19 in the school community parents and carers will receive a letter to advise them to monitor their child for symptoms and seek treatment, if appropriate. Obviously that communication comes out from the school principal using the forms of communication that they have in place with their parent communities. In these situations students and staff are not required to self-isolate and can continue to attend school and engage in their normal activities.

Parents, carers and students also will be notified when a decision is made to make a school non-operational for onsite attendance to go through contact tracing and to have the school site thoroughly cleaned. Moreover, information about the operational status of the school will also be disseminated, using the school's information channels. As I said, that can often include the school updates app. A lot of schools have Facebook pages, they have different apps that they use to send information out to parents and there is also the department's website. We have been very conscious of making sure that we communicate with our school communities as quickly as we can in relation to these issues. I know the instance to which Mr David Shoebridge referred.

Certainly I as the Minister—and I am sure all members can attest to this—as soon as I am made aware of a case that would affect a school community always let the local member know, irrespective of political persuasion, to give them copies of the information that is going out to our government schools. I do that so that everyone can have correct information and so there is not misinformation circulating in the school communities. That advice comes to us via NSW Health and we provide the advice that NSW Health indicates is important to go out to the school communities, and that is what we do. Our school communities have done a good job of keeping parents informed. As I said, I certainly have had positive feedback from local members of Parliament of all political persuasions about being updated. I think it is important to communicate correct information so that parents, families and students know what is happening at their local school with any particular case and know what the NSW Health advice is in relation to contact tracing and cleaning. That is something we will continue to do.

**Mr DAVID SHOEBRIDGE (12:48:52):** I ask a supplementary question. While I appreciate the Minister's details about when she tells school communities, I ask: Is the Minister aware of the very recent example of an inner Sydney girls school where on the Friday among the school community there were well-founded rumours that a parent had tested positive for COVID-19; that no communication was made with the school community by the principal in accordance with the protocols to which the Minister has referred; that the students, after communicating with their parents, voted with their own feet, many of them rapidly leaving the school; and that there was no communication from the school until the Saturday that followed? Is the Minister aware of those circumstances? Does the Minister accept that there is a gap in the protocols?

**The Hon. Sam Farroway:** Point of order: Is that not a new question?

**The PRESIDENT:** I believe it does satisfy all three requirements because the Minister did indicate in her answer that she is aware of one situation. Mr David Shoebridge is linking the question to that and asking if that is the one. It is up to the Minister how she answers the question.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:50:04):** I will take that question on notice in relation to the time frame.

**Mr David Shoebridge:** That is no critique of the principal.

**The Hon. SARAH MITCHELL:** I understand that. As I said, my understanding was that, yes, there was communication that went out to the school community over that weekend. But in relation to the timing of the communication and the advice from Health, I am happy to take the detail of that on notice. I foreshadow that with all of those cases we have to look at the privacy of the individuals concerned. I will take the question on notice and come back to the member with as much detail as I can provide in relation to that particular school and the communications that took place.

#### COVID-19 AND STUDENT COUNSELLING

**The Hon. GREG DONNELLY (12:50:51):** My question is directed to the Minister for Education and Early Childhood Learning. Given the Minister's answer on 14 July 2020 regarding telephone counselling where she stated that "telephone counselling was offered at all New South Wales public schools during the learning from home period", will the Minister confirm how many times this service was utilised for the counselling of students?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:51:31):**

I thank the member for his question concerning the telephone counselling support provided to students who were learning from home during the COVID-19 period and the use of certain platforms to make sure that students had that support. I will come back to that in further response to the Hon. Tara Moriarty's question at the end of question time, but the member has asked specifically about the number of times that the counselling service was accessed by students. Obviously that is not data that I have with me in the House, so I will take the question on notice and come back with an answer.

**The Hon. GREG DONNELLY (12:52:10):** I ask a supplementary question. I thank the Minister for her answer, in which she made reference to "other platforms". Will the Minister elucidate what those other platforms were with respect to the facilitation of counselling and will the Minister also provide details regarding where those methods were used and how they were deployed?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:52:41):** Again, I will take that question on notice to get the detail that the member is seeking.

**SYDNEY MODERN PROJECT**

**The Hon. SHAYNE MALLARD (12:52:57):** 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 exciting Sydney Modern project?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:53:08):** One of many, many projects around the State that are helping to stimulate our economy right now when we need it most is the construction of Sydney Modern. I am delighted to advise that work on that project—the highly anticipated expansion of the Art Gallery of New South Wales—is well underway. Since I last updated the House, the building contractor, Richard Crookes Constructions, has established its construction site beside the existing gallery and has commenced work. Despite the challenges that are posed by the COVID-19 pandemic, construction works are progressing on schedule, with the project to be delivered on time and within budget.

Progress on the site over the past few months includes site demolition, bulk excavation and earthworks, piling and high voltage works. The first tower crane has been installed on the lower part of the site and I am excited to report that we are seeing the project enter its build phase. Soon we will be releasing some wonderful footage from the site so that everyone in the community can see how much progress has been made. The significance of the project and the Art Gallery of New South Wales to our State's cultural life cannot be underestimated. The gallery's new building, designed by the Pritzker prize-winning architects SANAA, will be an architectural and cultural landmark.

The Sydney Modern project will almost double the existing exhibition space and transform the gallery into one of the world's great art museums. The project will enable the gallery to show more of the State's outstanding collection, and for New South Wales to host more of the best art exhibitions from around Australia and the world. The project is also setting a new benchmark for cultural institutions as the first public art museum in Australia to achieve a 6-star Green Star design rating for the building. Sydney Modern will be an extraordinary building for our State. I will keep honourable members updated.

I have to say, the strength of our economy in many respect is thanks to those workers in the industry and to the companies that are keeping open the \$100 billion pipeline of infrastructure projects that we have in New South Wales. It means that our State is carrying much of the burden for this country in terms of recovery and restart. I pay tribute to the workers, the project managers and the companies that have kept going through the COVID-19 pandemic. They are playing an important role. [*Time expired.*]

**BUSHFIRE HAZARD REDUCTION BURNING**

**Mr JUSTIN FIELD (12:56:19):** I direct my question to the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, representing the Minister for Emergency Services. Minister, before and after the New South Wales bushfire inquiry final report was released yesterday we saw headlines, reports in major newspapers, and across radio and television that the inquiry report would recommend that landholders would be required or obliged to conduct hazard reduction burning to reduce catastrophic fire risks. Will the Minister point specifically to which of the 76 recommendations in the bushfire inquiry report obliges landholders to carry out hazard reduction burns?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:57:04):** I thank the member for his question. I join the acknowledgment by the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts earlier of the seriousness of the

recommendations contained in this report, and the seriousness with which the Government takes those recommendations and their implementation. Immediately upon release of the report the Government indicated that it would support all of the recommendations in the report.

The process for implementation of recommendations requires a significant amount of work, significant expenditure, significant policy development and legislation in relation to some and the others we can implement immediately. The Government needs to canvass all those issues and consider them over a period of time. I am cognisant of the fact that the bushfire season is upon us. Those recommendations that can be implemented shortly will, in fact, be implemented as quickly as possible. Hazard reduction is a component of the bushfire risk mitigation that appeared in our community. It is self-evident in many respects, but we understand that hazard reduction can be carried out in a number of ways: through prescribed burning, noting that this is highly weather dependent; mechanical clearing; and grazing, which is another important recommendation of the inquiry that the Government will pursue.

The Government will conduct a research project into grazing and hazard reduction. The New South Wales Government has already worked to empower agencies to conduct a greater amount of risk mitigation and hazard reduction through a \$10.7 million boost to the NSW Rural Fire Service to fund extra mitigation roles. As the recommendations are being implemented, further details of the scope and expansion of those recommendations will be made clear. Of course, the report acknowledges the importance of the use of air facilities, which are expensive projects.

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

### SCHOOL COUNSELLING SERVICE

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:00:14):** Earlier in question time the Hon. Tara Moriarty asked me whether I stood by my statement in response to a question on notice that "it would not have been appropriate to place additional school counselling staff in schools". For the benefit of the House, I will read the entirety of that sentence because the member failed to mention that I said:

Given the majority of the students were learning from home during the height of the COVID-19 pandemic, it would not have been appropriate ...

The answer goes on to talk about how, in order to better support students during working from home arrangements, the department provisioned members of the school counselling services with a dedicated online telepsychology platform, which meant that psychology services could continue in a secure and confidential manner. I remind the Hon. Tara Moriarty, who is also the shadow Minister for Mental Health, to be careful in conversations about mental health and what the Government is doing. The implication that the support was not provided or that it was inappropriate sets a dangerous precedent about how we talk about such subjects.

The honourable member put out a press release on the subject. I anticipate debate about that, as there should be. We should be talking about how we are supporting students, particularly with regard to the Mindframe guidelines on how to report on such matters. The shadow Minister is a good person who feels passionately about supporting mental health, but it is important to refer to the whole of my answer in the context of questions, rather than picking and choosing different parts that give the wrong impression and may lead students to think that no-one is there to support them when that is simply not the case.

### *Supplementary Questions for Written Answers*

### COVID-19 AND STUDENT COUNSELLING

**The Hon. COURTNEY HOUSSOS (13:02:05):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister elucidate her answer by providing the total number and a list of the schools that utilised the dedicated telepsychology videoconferencing platform during the remote learning period?

### *Questions Without Notice: Take Note*

### TAKE NOTE OF ANSWERS TO QUESTIONS

**Mr JUSTIN FIELD:** I move:

That the House take note of answers to questions.

## BUSHFIRE HAZARD REDUCTION BURNING

**Mr JUSTIN FIELD (13:02:48):** In the past 48 hours the New South Wales public has been bombarded with media reporting on the NSW Bushfire Inquiry. Across the media spectrum some of the headlines were "Green tape torched", "Homeowners the winners in bushfire review", "The report's recommendations will stress that landholders will be obliged to carry out hazard reduction burns", and "Homeowners required to do hazard reduction burns themselves". Many of those media reports came out before the bushfire inquiry report was released, presumably based on backgrounding by political staffers who were privy to the report's details. The problem is: The report does not make any such recommendation.

In the past 48 hours unknown political operatives have executed a successful coup in New South Wales. They took an independent process, stuffed it in a bag and replaced it with a giant lie before the inquiry had a chance to report. Bar almost none, the media lapped it up and reported it as fact. The only major outlet that seemed not to get caught up in the free-for-all make-up-your-own-news frenzy was *The Guardian*. I say: Good on them. It is a dense, complex, nuanced and scary report. It deals with something that deeply affected many people, including people in my community. It treats the issues seriously, reflecting different and often conflicting views in the community, but it is based on the facts to hand. This important report has been treated with total disrespect by the media and unknown people who have clearly tried to manipulate it in their reporting.

They have undermined six months of effort by former NSW Police Force Deputy Commissioner Owens and Professor O'Kane, all the people who have contributed to the report and all those who hoped it would help the community prepare for and respond to catastrophic fires in the future. I acknowledge the statements by the Premier, the police Minister and others, which have been far more nuanced and accurate in their reflection of the report, including the acknowledgement of how climate change is increasing fire risk and the limitations of hazard reduction burning. Professor O'Kane said in an interview, "I want to say something about hazard reductions first. It is not a silver bullet, as the Premier emphasised in her news conference earlier. Hazard reduction is a good thing on balance but it does not always work." Shane Fitzsimmons said, "Recommendations for landholders to take responsibility for their own burning on their properties is a bit misconstrued."

But some people have been running a counteroffensive in an attempt to misconstrue the report, presumably for political purposes. Those efforts have, unfortunately, trumped the facts. The report was politicised before it had even come out and the media have been co-opted in that politicisation. Who are these people? What is their motivation? Clearly the media trusted them as people who were in a position to know what was in the report and consequently the media reported a lie as if it were fact. I am disgusted by it and I hope to see *Media Watch* do a deep dive on what happened here. I hope to see over the next few weeks public acknowledgement by journalists across the media that they got this wrong and will make an effort to more accurately reflect the important information in this report. I encourage everyone who cares about the future of this State to read this report in full.

## YOUTH SUICIDE

**The Hon. TARA MORIARTY (13:05:43):** I take note of answers provided today in relation to mental health and youth suicide. Today we have talked about the fact that we are facing the highest levels of youth suicide in New South Wales in 15 years. It is an absolute tragedy. It is devastating for our young people, for their families, for their friends and for the entire community. I agree with the comments made by the education Minister as to how we discuss this issue. I agree that we have to be careful and respectful about the way in which we discuss the very sensitive issue of suicide and mental health generally. Every member in this Chamber and everyone in the community understands that. But the Government does not get to use that as a cop-out to not discuss the issues affecting our community and our young people. The pandemic and other related stressful issues affecting our kids, resulting in the highest levels of youth suicide in this State in 15 years, need to be discussed and acknowledged by this Government.

The Government needs to deal with this issue and there needs to be more support provided to the very inadequate mental health services across this State. The Government acknowledged that services in mental health are inadequate and made a commitment at the last State election that an additional two school counsellors or mental health experts would be provided in every high school across New South Wales. It is a good program but the Government has barely delivered on it. We support the Government on rolling out programs across the State. But where is the urgency? We are in the middle of a pandemic and our kids are struggling. This program should be rolled out and the appointment of these counsellors fast-tracked as a matter of urgency. This commitment was made prior to the pandemic when kids were already in trouble.

We are in the middle of the biggest crisis that we, as a community, will probably ever face in our lifetime, yet there is no additional support for our kids or for people across the community. The Government is rolling out piecemeal pilot projects in mental health. All of them are good but they are not sufficient. It is not good enough. People are struggling and they need support. Yes, we will be respectful. Yes, we need to be sensitive. Yes, we

need to be mindful about the messages we are sending to people who are struggling and in desperate need of help. But it is our job to have these conversations and it is the job of the Government—with all its resources, funding ability and announcements and commitments made across the State—to allocate and prioritise what is most needed to protect the most vulnerable members of our community. Mental health support needs to be enhanced. We are going to talk about it and we are going to hold this Government to account. [*Time expired.*]

#### MINISTER'S STUDENT COUNCIL

**The Hon. WES FANG (13:09:16):** I take note of the answer given by the Minister for Education and Early Childhood Learning about what the Government is doing to engage with students across the State, particularly during COVID. The Minister spoke about the student council, a fantastic initiative from the Minister and the department that provides a voice to students who are isolated from their peers and who probably feel isolated from their social supports. For the Minister to provide a whole range of students with an opportunity to come together to offer their voice and their vision—including students with disabilities, students from an Indigenous background and students from rural and regional areas—is a wonderful initiative. Much like the Minister for Mental Health, Regional Youth and Women, Government members have sought the views of and feedback from regional and rural students across the State.

The Government has listened to those people and will take their concerns on board. That is particularly important during COVID. The Minister also spoke about the Student Voice Hub, which, much like the student council, is a fantastic initiative. The multimedia hub on the NSW Department of Education website will feature content that is written and produced by students and will include news, opinions, videos, audio and creative works. This is another opportunity for people to have their voices heard when they feel isolated. The two initiatives that the Minister spoke about today are a clear indication that, despite the crisis of the pandemic, the Government is giving students unique and thoughtful ways to make a meaningful contribution not only to their education but also to that of future generations. I applaud the Minister and the department for their work.

#### RIVER CLASS FERRIES

#### COVID-19 AND STATE ECONOMY

**The Hon. ROD ROBERTS (13:12:14):** I will be brief. I take note of the answers given in relation to the river ferries and the Government's attempts to drive the economy forward. The Government has a lot of explaining to do. At a time when jobs are necessary to drive the economy forward, we heard from the Minister for Finance and Small Business—for whom I have the greatest respect—about buying local and buying from the bush. After all the rhetoric from the Government—

**The Hon. Damien Tudehope:** Rhetoric? It worked.

**The Hon. ROD ROBERTS:** I said this is no reflection on the Minister. Why did the Government not build the ships in New South Wales? The Government surely cannot say that we do not have the skilled workforce—men and women who are quite capable—to build the boats in New South Wales.

**The Hon. Damien Tudehope:** It is called a free trade agreement.

**The Hon. ROD ROBERTS:** I am not interested in free trade agreements. I am interested in jobs for people who live in New South Wales. I do not care about jobs in Indonesia, Malaysia or China. I was elected, as were all members in the Chamber, to represent the people of New South Wales, not the people of Asia. We need jobs in New South Wales. The Minister is the first to say that, yet we do not see any actions. I close with the following Latin words: *facta, non verba*—deeds, not words.

#### MODERN SLAVERY ACT 2018

#### COVID-19

#### MINISTERIAL SECONDMENTS

**The Hon. ADAM SEARLE (13:14:24):** I make a contribution on four answers given this day, starting with modern slavery. What was disturbing about the Minister's response on modern slavery was that if there were any technical or legal problems in terms of bringing the Act into force and effect, the Government already had an answer. It had an amendment Act, it had a draft regulation and it has now had the report of the parliamentary committee for some months. It is no answer to community and parliamentary concerns about the failure to bring this legislation into effect and to provide vulnerable people with the protection from modern slavery that they need to say, "The Government has until 25 September to give a response."

This Act was passed by both Houses unanimously. There was no political dissent. No-one said no. The Premier herself introduced it into the other place and still the Government is trying to find every mechanism,

every device, to delay bringing this important legislation into operation. The legislation is not perfect. To those of us on our side of the Chamber it is very weak but, disturbingly, it is in fact the best legislation of its kind in the world. Still the Premier and her Government will not act and the Minister continues to run a protection racket, failing to give straight answers to this Chamber about why those opposite will not bring it into effect—because they want to enable modern slavery-like practices, because they want to run protection for bad businesses in this State.

In relation to some of the other matters, I had asked the Leader of the Government a question about what threshold number of positive COVID-19 cases was needed before the Government would go into a Victorian-style lockdown. The published answer I got stated: "I refer to my comments on the public record in relation to the COVID-19 pandemic." That is the answer from the Premier. The reason we asked the question was because her statements on the public record were opaque. They did not provide the information. This was a serious question about a most serious issue and the Premier of the day has given a response that is churlish, dismissive and not providing any answer to this Chamber. Shame on her and shame on the Leader of the Government for not being straight with this House.

A further question was asked yesterday for a written answer this morning about secondments, asking for a document. And what was the answer? "I understand there is a notice of motion before the House. If carried, this information will be provided in appropriate format." It is not responsive. It is in defiance of the standing and sessional orders. It does not provide an answer and it is not to the point to say that this House may consider a motion. The Minister should have given an answer and again the Government is failing to be accountable to the Chamber. [*Time expired.*]

#### PLANNING SYSTEM ACCELERATION PROGRAM

**The Hon. SAM FARRAWAY (13:17:36):** I take note of answers given by the Leader of the House and the Minister for Finance and Small Business, the Hon. Damien Tudehope, on the Planning System Acceleration Program. As we have heard, we on this side of the House are focused more than ever on jobs, jobs, jobs.

**The Hon. Walt Secord:** And more jobs.

**The Hon. SAM FARRAWAY:** I acknowledge the interjection from the deputy shadow Treasurer. A key part of getting us back on track in the State of New South Wales is the planning system. To date, as the Minister highlighted, we have already accelerated 80 projects over the past four months, pumping more than \$22 billion into this State's economy, creating opportunities for more than 48,000 jobs and delivering more than 400 hectares of open space, parks and conservation lands. Some of the key projects which are again worth noting include 41 affordable housing units on the Central Coast under tranche three; development of a 60-megawatt solar farm in the Leeton shire under tranche three; and construction and operation of a data storage facility in Blacktown, also under tranche three.

This is what a good government does—it responds appropriately and puts in place the plans to get our State moving again. And there is more coming. Ten projects have been fast-tracked for assessment under tranche five, including the transformation of an existing warehouse to a hand sanitiser factory in the Shoalhaven. If approved, these projects could deliver more than \$3 billion in economic value and create opportunities for thousands of jobs across New South Wales. Decisions on these projects will be made by 11 September. Only one side of the House has a plan for the State to get back to work, and that is the Government side.

**The Hon. Natalie Ward:** Point of order: Government members listened carefully to the contributions of Opposition and crossbench members. It is appropriate that the contributions of other members are listened to quietly and respectfully. I ask that you draw attention to the courtesies of the House, in particular when all members are invited to contribute to the debate.

**The PRESIDENT:** I did not want to interrupt the member speaking because I did not want to take his time. There have been far too many interjections. I uphold the Hon. Natalie Ward's point of order. I do not want to see members on both sides of the Chamber taking points of order simply to use up the time of the member with the call. I am using the Hon. Sam Farraway's remaining speaking time to make my ruling. I now call the Deputy Leader of the Opposition. She will not be interjected upon, and nor will any other member.

#### YOUTH SUICIDE

#### RIVER CLASS FERRIES

**The Hon. PENNY SHARPE (13:20:42):** I take note of the answers given today, particularly in relation to youth suicide. There is no-one in this House that has not been touched by suicide. We all know how serious it is and what a tragedy it is. The Opposition is asking the Government serious questions that go to whether we are doing enough. I am disappointed by the answers from the Minister for Education and Early Childhood Learning

in relation to this, partly because the Government has announced a good program. The Opposition has acknowledged that the rollout of extra support for our kids in schools is a good program. But judging from the Minister's answers today, there has been no change. We have not dialled it up and we are not doing anything extra. The program is just going to keep rolling out as planned, and that is disappointing.

There is a State-based suicide prevention plan. All of us who have paid any attention to this issue know that it is complex. We must all be very careful and take this problem very seriously. Too many people are losing their lives—and not just young people, but people across the board. One of the leading causes of death among men aged 35 to 50 is suicide, and we do not talk about that enough. What more can the Government do? Is it going to tweak its support? It is very frustrating to sit on this side of the House and be told, "You have to be careful how you talk about it. We do not want to talk about it because it is sensitive." Yes, we know. The Government listed its existing programs that have not changed. Given the circumstances that we find ourselves in this year, that is a serious matter that the Opposition and other members in this Chamber are trying to pursue.

I wish that Ministers would not take this as some sort of offensive grandstanding exercise on the part of the Opposition. We are simply asking whether we can do more and whether what we have in place is working. We are already being told about the problems by the experts in the field. Any teacher who has been teaching this year will tell you that kids, whether they are in kindergarten or year 12, are anxious. Students do not know what is going to happen. They have had to struggle through massive changes that we have never seen before. Our school counsellors are being asked—in many schools it is equivalent to only half a person a day—to try to deal with that. The questions are serious. The Government needs to take more seriously whether it needs to tweak its response. The Opposition will support the Government to do better. The Government needs to stop taking offence at very serious and absolutely legitimate questions that we are raising.

Finally, we have heard a lot about jobs and we are all very worried about jobs. But, as the Hon. Rod Roberts said, asbestos-riddled ferries built in Indonesia that cannot get under bridges are an absolute failure. [*Time expired.*]

#### YOUTH SUICIDE

**The Hon. MARK LATHAM (13:23:55):** I will try to make the second-best One Nation speech in this take-note debate, following the contribution from the Hon. Rod Roberts. The only Latin I know is, "Et tu, Rod?" That echoes the sentiment expressed by Opposition members. It was a cracking speech. I congratulate the Hon. Penny Sharpe on her contribution. The points by the Hon. Penny Sharpe are critical and it is such a difficult area to consider. One factor is to recognise that in Australia this year more people have died at their own hand than have died of the virus, but look at the disproportionate coverage around COVID-19.

There is no more important issue in our society than youth suicide. The role of schools is always raised but medical expertise indicates that the health system should carry a greater load, with experts who can help avoid these tragedies that are so destructive not just to the individual but to those around them. Our education committee looked at this issue extensively and the Hon. Courtney Houssos has done a lot of work on supporting services. But there is a strong argument that the best wellbeing program for a child in school is to ensure that that child is an active, engaged and curious learner.

If you look at all the positives—the wonderful interests and intellectual engagement that this world has to offer—the dilemma in schools is what to do first? What is the proper batting order? Do you try to get the happy child and look at learning as the second priority, or do you still have learning as the main priority so that every child is an engaged, active and curious learner who is positive about life? There are supporting wellbeing services that are not primarily available during school time but certainly there if required—counselling and all the other support services. Getting that right is a dilemma. I think a school's first objective is recognising that a student's wellbeing is maximised if they are an engaged learner. If that does not work, then turn to all the support services and wellbeing assistance necessary to get students on the right track—in close collaboration with parents and medical experts in the health system.

That is my view, although I accept there is no one orthodoxy here and certainly no one view that gets it right in every circumstance. But we cannot think of schools as wellbeing centres, first and foremost. Schools need to play the traditional role of maximising engaged learning and then do the other things—in our schools, through the health system and with parents—to avoid the kind of tragedy that the Opposition has highlighted today. It is not easy, but I urge the Minister to think about these issues, take the expert advice, listen to our committee if she can and come up with a definitive Government policy statement that addresses this critical issue.

#### SCHOOL COUNSELLING SERVICE

**The Hon. COURTNEY HOUSSOS (13:27:15):** I take note of answers provided by the Government today and speak specifically about its commitment to providing 100 new counsellors in our schools. We heard

about the glacially slow progress on this key election commitment, which was already required. During budget estimates last year we heard that the ratio of school counsellors to students is one to 747—that is one school counsellor for every 747 students on average across the New South Wales school system. That is clearly deficient. The issue already needed to be addressed and to say the world has changed dramatically since then is an understatement. I accept that we need to walk and chew gum here. We must continue to fight the pandemic and address huge concerns around economic recovery. But the third plank is the mental health effects that impact our entire society, especially our schools.

The Minister announced today that she is convening a council of students but she does not need to wait for it to tell her that students need more support—and they need it now. Last weekend *The Sunday Telegraph* launched a campaign calling for greater mental health support in our schools. There are clearly things the Government can do right now. It can roll out mental health first aid for teachers and increase the ratio of students to school counsellors. The Government needs a bigger response and should not simply think what it announced at the last election before COVID-19 is enough to get our schools through this crisis.

Today we also asked about the notification of schools. There is a clear gap when it comes to our schools and the notification of a COVID case within that school community. I accept that for restaurants or cafes we wait until there is a confirmed case before we tell everybody to go home and start self-isolating. But the reality of a school community is that if a parent or someone in the immediate household of a student has a confirmed case of COVID that news is going to spread pretty fast. If there is no official source of information then that information will be spread through rumour and other means. The health advice might have been that at the outset.

**The PRESIDENT:** Order! Pursuant to standing orders—

**The Hon. COURTNEY HOUSSOS:** I ask the Minister to intervene now and come up with new advice.

**The PRESIDENT:** Order! When I say "Order", the member will stop speaking. Pursuant to standing orders debate is interrupted to allow the Minister or Parliamentary Secretary to respond to the debate.

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. NATALIE WARD (13:30:07):** I am pleased to contribute to the take-note debate today on behalf of members on this side of the House. It is interesting that Parliament has been recalled. Members have been dragged back here urgently. We have been recalled to the House and asked to convene to deal with urgent issues. Yet our opening pitch today—is it the COVID pandemic? Is it something urgent? Is it something to do with the people of New South Wales? No, it is modern slavery. Is it the 200,000 people who lost their jobs in the pandemic? No, it is modern slavery. That is our first pitch.

We are very happy to answer that, but members opposite should tell us how that is urgent to the people in New South Wales who have lost their jobs. The people of New South Wales are looking to this Parliament for a plan and a way forward. They are looking for us to give them an answer about how we get ourselves out of this pandemic, how they get their jobs back and how they get their lives back.

**The Hon. Walt Secord:** Shame, Natalie! You are going to regret this speech.

**The Hon. NATALIE WARD:** It is a shame that those on the other side of the Chamber cannot come up with a plan for people to get out of this pandemic so that we can deal with all of the other issues, as we should. The second batter up was all about data on scripture in schools. What students want is to get back to school, get through their HSC and get a COVID plan. The Government has a COVID plan in place. Today members heard from this side of the Chamber about what the Government is doing in productivity and jobs, and what it is doing to get out of this. We heard from the Hon. Rod Roberts about jobs. Quite rightly he raised the issue. At least he is interested in how we are getting out of this plan. Did members hear from the shadow Treasurer? No, not a word—not a single question. His great contribution is to get thrown out of the Chamber. That is his contribution to members urgently being recalled. Where's Wally? We have not seen him. What is the Hon. Walt Secord's contribution?

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

**The Hon. NATALIE WARD:** We have a plan. We have a way to get out of this pandemic with the COVID Recovery Plan. Those members opposite have nothing, and the people of New South Wales know it. Those people are looking to this Parliament to say, "What are you doing about it?"

**The PRESIDENT:** I call the Hon. Walt Secord to order for the second time.

**The Hon. NATALIE WARD:** Those members opposite are doing nothing. They are getting thrown out of this Chamber. We have heard about our future, our NSW Commissioner for Productivity, our \$100 billion infrastructure pipeline, water, taxes, and all of the arts projects that are being built—the infrastructure those

opposite opposed, every single project that they opposed. The only planning acceleration those opposite did in this place was for Ian Macdonald and Eddie Obeid.

**The PRESIDENT:** I call the Hon. Taylor Martin to order for the first time.

**The Hon. NATALIE WARD:** They did nothing to help. We are here, fronting up so that we can find a way forward to get out of this pandemic and show the people of New South Wales that we care about them, not ourselves.

**The Hon. Greg Donnelly:** What a shocker!

**The PRESIDENT (13:32:59):** Order! I call the Hon. Greg Donnelly to order for the second time. I call the Hon. Courtney Houssos to order for the first time. The only shocking thing was the reaction of members to this take-note debate today. I am the one sitting in the chair because members wanted a take-note debate. I am required to ensure the integrity of this House is maintained at all times. There is a limited time for members to speak in a take-note debate. I do not want to interrupt members by having to continually deal with points of order or call members to order.

I assure members that I am quite happy to sit in this chair for 30 minutes and do all the talking myself, or even stand on the dais so that nobody can talk if that is what it will take to allow a member to give their take-note debate contribution in silence. I cannot be any clearer. I assure members that tomorrow I will call them to order immediately upon their very first interjection during a take-note debate. Every member, irrespective of what side of the Chamber, has the right to be heard in silence in a take-note debate. This House changed the sessional orders to allow a take-note debate to take place; members could at least allow it to happen.

The time for debate has expired. The question is that the motion be agreed to.

**Motion agreed to.**

#### *Deferred Answers*

### **MURWILLUMBAH EAST PUBLIC SCHOOL**

In reply to **the Hon. ADAM SEARLE** (5 August 2020).

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

I am advised that the Murwillumbah East Public School upgrade is due to commence in mid-2021 with a forecast completion date of late 2022. This information is publicly available on the School Infrastructure NSW website.

### **TEACHER RECRUITMENT**

In reply to **the Hon. PENNY SHARPE** (5 August 2020).

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

As the matter is currently before the courts it would be inappropriate for the Department of Education to comment.

### **BUSHFIRES AND WILDLIFE**

In reply to **the Hon. MARK PEARSON** (5 August 2020).

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

All reports of unlawful activity received by the Department of Planning, Industry and Environment are considered in accordance with the relevant compliance policy or referred to the appropriate land manager.

Regulation of firewood collection on Crown lands is a matter for the relevant Crown land manager, such as a local council or Local Land Services.

Removal of timber from national parks is a serious matter that is managed by the National Parks and Wildlife Service. The penalty for illegal collection of firewood in national parks ranges from an on-the-spot fine of \$500 to maximum court-imposed penalties of \$110,000 for an individual and \$1.1 million for a corporation.

### **SHENHUA COALMINE**

In reply to **Ms CATE FAEHRMANN** (5 August 2020).

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

I am advised,

The Shenhua Watermark Coal Project was approved in 2015. Since 2011, consultation with Aboriginal stakeholders has been extensive with over 150 Registered Aboriginal Parties [RAPs] involved. The final Heritage Management Plan, developed in consultation with the RAPs and the then Office of Environment and Heritage, details extensive requirements for protecting and preserving Aboriginal Cultural Heritage at the site.

The plan includes procedures for relocating two axe grinding grooves and preserving a number of identified heritage items. The proponent must submit additional management plans for approval before any mining can commence and compliance with management plans will be closely monitored.

### SUICIDE PREVENTION

In reply to **the Hon. WALT SECORD** (5 August 2020).

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

Comments by Dr Ruth Vine, the Australian Government Deputy Chief Medical Officer for Mental Health, can be found online at:

<https://www.theguardian.com/australia-news/2020/may/25/stress-isolation-suicide-australias-new-mental-health-officer-on-the-challenges-of-covid-19>

<https://www.abc.net.au/news/2020-05-19/dr-ruth-vine-on-coronavirus-mental-health-challenges/12261992>

<https://www.health.gov.au/news/deputy-chief-medical-officer-interview-on-abc-news-on-3-august-2020>

### PROHIBITED FIREARMS

In reply to **the Hon. ROBERT BORSAK** (6 August 2020).

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

I am advised:

The report is related to a current investigation by the NSW Police Force that is still ongoing.

### COVID-19 AND GALLIPOLI MOSQUE

In reply to **the Hon. ROD ROBERTS** (5 August 2020).

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

I am advised by the Minister for Health:

A conditional exemption was granted from the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 (NSW) for the Eid Ul Adha Prayers at the Auburn Gallipoli Mosque for 31 July 2020. The conditional exemption was valid only for 31 July 2020 and only for this venue.

The Auburn Gallipoli Mosque developed a comprehensive COVID-19 Safety Plan, which was evaluated by NSW Health.

All participants were temperature screened and identified with coloured stickers, restricting them to a nominated zone. The mosque was separated over four zones, on multiple levels and in an adjacent building on the mosque grounds, with a maximum of 100 people in each zone.

The NSW Government has been speaking with religious leaders about the challenges posed by COVID-19. As other religious events come on the calendar, it is expected that religious leaders will be reviewing their COVID-19 Safety Plans to ensure that future religious events can be celebrated in the safest possible manner.

### *Written Answers to Supplementary Questions*

### MINISTERIAL SECONDMENTS

In reply to **the Hon. ADAM SEARLE** (25 August 2020).

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

I understand that there is a notice of motion before the House this day (item 669 outside the order of precedence) which orders these documents to be produced under Standing Order 52.

Should this motion be successful ordered documents in existence will be produced in an appropriate format.

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

### *Private Members' Statements*

### COVID-19 VACCINE

**Reverend the Hon. FRED NILE (15:01:14):** I wish to address some questions surrounding the manufacture and use of the proposed vaccine for the treatment of coronavirus 19. It is important to bear in mind

that no such vaccine yet exists. We remember coronavirus 2, which is commonly known as the severe acute respiratory syndrome, or SARS. Researchers have been trying to find a vaccine for that strand of corona for almost two decades, without any success. I note that Dr Anthony Fauci, the head of the National Institute of Allergy and Infectious Diseases, warned the public that it is unlikely that a one-hit vaccine will be manufactured for coronavirus 19 for similar reasons. Likewise, Harvard University epidemiologist Professor Marc Lipsitch is quoted in *The Atlantic* as saying that "... the likely outcome is that it will ultimately not be containable" in the way the public expects.

The virus has a tendency to evolve and mutate, making any vaccine, if and when it is created in a laboratory, only temporary in its effect. This brings me to the key point I wish to make. Many of my constituents have raised a number of concerns in relation to vaccines that are available for other ailments. Some of these have been manufactured using elements that are problematic—such as aluminium and mercury—which, if taken repeatedly or in large quantities have negative effects, especially for newborns. Other concerns have been raised in relation to the use of human genetic material in the manufacture of certain vaccines.

*The Catholic Weekly* reports that Australia is moving to secure a University of Oxford trial vaccine with a company called AstraZeneca. The vaccine is controversial because it was developed using a cell line from an electively aborted human baby. Naturally, this poses a significant ethical question if the vaccine is either made compulsory outright or by severely restricting the quality of public life should a person opt not to be vaccinated. The Catholic Archbishop of Sydney, Anthony Fisher, has pointed out that there are currently 167 other candidate vaccines and 29 of them are currently in trials. Why is Australia opting for the one manufactured by AstraZeneca? *Neos Kosmos*, an Orthodox Greek news agency, reports that this issue has galvanised Christian leaders across different denominations, including Greek Orthodox Archbishop Makarios and Anglican Archbishop Glenn Davies. [*Time expired.*]

#### CAMPBELL RHODODENDRON GARDENS

**The Hon. SHAYNE MALLARD (15:04:33):** I will relay some good news around fire recovery in the Blue Mountains. Everyone knows I am a passionate gardener, so I was pleased to facilitate a \$20,000 grant from the New South Wales Liberal Government for the famous Campbell Rhododendron Gardens at Blackheath to assist in their restoration following the serious impact of the summer bushfires. The Campbell Rhododendron Gardens is one of the Blue Mountains' favourite venues where, uniquely, azalea and rhododendrons are planted amongst native eucalyptus and bushland. The gardens were created in 1970 on 18.5 hectares, or 45 acres, of Australian bushland, 1,065 metres above sea level at the northern end of Blackheath in the beautiful Blue Mountains. The gardens are managed and maintained by the Blue Mountains Rhododendron Society of NSW Incorporated, a community organisation of tireless volunteers with members across the country. The society raises all of its own funds via donations when visitors and tourists attend the gardens, which generally receive no government funding.

Earlier this year I inspected significant bushfire damage to the world-renowned rhododendron gardens along with the Hon. Marise Payne, who is the Federal foreign Minister and also a Senator for western Sydney. We were moved by the resilience and optimism of the small but dedicated group of mainly elderly volunteers who faced a huge task to replace hundreds of destroyed plants and infrastructure and restore the gardens to their popular prime. The grant made available through Destination NSW and facilitated by Minister Stuart Ayres represents a recognition by the Government of the importance of local attractions like the Campbell Rhododendron Gardens to the local visitor economy. The Blue Mountains is the second most visited destination in New South Wales and the gardens have a global reputation, particularly with Asian tourists. The popular Rhododendron Festival in November draws huge crowds to Blackheath.

As we deal with our current pandemic crisis on the back of the devastating summer bushfires, special places such as the rhododendron gardens play a critical role in rebuilding the visitor experience and economy in the Blue Mountains. I take this opportunity to congratulate the dedicated team of volunteers at the Blue Mountains Rhododendron Society, led by its president Deborah Wells, on their years of selfless service to the community. Across the whole Blue Mountains, and especially at the Campbell Rhododendron Gardens, local volunteers put in a huge and valuable effort to give our community the appeal that is unique to the Blue Mountains villages. I want them to know that the Government values and thanks them for their community service.

#### MODERN SLAVERY ACT 2018

**The Hon. GREG DONNELLY (15:06:55):** In June last year I had a conversation with a woman who I will not name. She is someone with a pretty broad life experience and a person who is very committed to the cause of abolishing modern slavery and slavery-like practices. She called me to have a discussion about where to now, given that over the previous few weeks, through questions without notice asked of the Leader of the Government in this House, and other promptings, the Government finally came clean and admitted that it had not

proclaimed the New South Wales Modern Slavery Act 2018. As we got into our conversation, without any prompting, she pivoted to a particular telephone conversation that I will recount to the House. She informed me that only a few days earlier she had made a telephone call to the office of the Hon. Don Harwin, the then Leader of the Government in the Legislative Council, with a request to speak to him directly. She had established for herself that the Hon. Don Harwin had responsibility for the matter of the Modern Slavery Act 2018 in the Legislative Council. It was on that basis that she called his office because she wanted to speak to him about why the Government had not proclaimed the legislation.

The person who answered her call explained that, as the Minister was presently in a meeting, he was not available to speak to her. However, after some back and forth discussion an offer was made to her about whether she would like to speak to one of the Minister's policy advisers, who she was told could assist her. She took up the offer and was put through to the adviser. Time does not permit me to give a full account of the whole conversation between them, though I will place on *Hansard* a particular part of the exchange. She put to the policy adviser that it was highly unusual and indeed troubling that the Government had not proclaimed the legislation. What the policy adviser said to her in responding to that specific question was very revealing. He told her that the unproclaimed Act had now been placed into a special category of legislation that the Government referred to as "orphan Acts". She pressed him for more details.

He responded by telling her that he had been told that the sponsor of the legislation, Paul Green, had failed to get elected to the Legislative Council at the recent State election. With that being the case, the Government had determined it would not proclaim the Act and bring it onto the statute books. She expressed surprise and dismay at the explanation. But once again the policy adviser repeated in a matter-of-fact way the Government's determined position and stated that that was the end of the matter. With the Government's position explained so clearly and brutally to a stakeholder in June last year, is it any wonder we find ourselves still without a legally enforceable Act in August 2020?

#### COVID-19 AND PUBLIC SECTOR EMPLOYEES

**The Hon. MARK LATHAM (15:10:30):** I will reflect briefly on how unusual the COVID period has been for our nation and for the public sector. It is important for New South Wales to learn from the mistakes that have been made in Victoria regarding hotel quarantine. The firm that was employed in Victoria had not been on the list of preferred tenderers there. The jobs department brought in a firm from Ashfield in Sydney called Unified Security. Those workers were employed not on the basis that they could do the job but that the company was Indigenous owned. We all want Indigenous people to get more employment in Australia, but it must be on the criteria of merit and the ability to actually do the work. Things obviously end in disaster if security guards are not trained or capable, as was the case there. It is not the fault of the guards, but they were brought on by departmental people in Victoria who were doing it on the basis of identity politics: race, in this particular case.

We then have the evidence of the park rangers in Victoria who were brought in for hotel quarantine security and given training on equity and inclusion but not on infection control, the nature of COVID or personal protective equipment. One guard said, "The only information I got about COVID was off the ABC and *Channel 9 News*." Again, it is an instance of bringing in equity and diversity criteria ahead of merit and the ability to do the work. I strongly urge the New South Wales public sector—where many of these diversity, inclusion, unconscious bias and identity politics criteria have crept in over a long time—that we must return to merit-based selection. We must return to the best person for the job and the best tender for the job on the basis of cost-effectiveness. We must recognise that there is no substitute for competence and getting the work done, particularly in public health and safety. The Government has other mechanisms through which it can assist people of Indigenous background and other groups that might be thought of as minorities in our society, but it cannot be done at the expense of the basic public health and safety functions of the public sector.

This is an important lesson. We have been through a long period of complacency in Australia and a world-record period of economic growth. In that time, public sector management has grown a bit complacent and started to think that it can introduce political criteria into the way in which it runs things. The Victorian examples—which have been so disastrous not just to that State but also to the entire national economy—really ring the warning bells about how to do public sector management and social justice in a proper and sustainable way. The system in New South Wales has adopted many of the Victorian features—and perhaps it is only out of good luck rather than good management that we have avoided those problems. I urge our leaders to take note of the Victorian problems.

#### STREETS AS SHARED SPACES PROGRAM

**The Hon. TAYLOR MARTIN (15:13:14):** Last week Parliamentary Secretary for the Central Coast Adam Crouch, MP, and I had the opportunity to announce that the Central Coast Council would receive \$327,000 from the New South Wales Government's Streets as Shared Spaces program, which supports the

Premier's Priority to increase walkable access to quality open and green public space in urban areas. Early last year I was contacted by Umina Community Group members who outlined to me their vision for an active community along The Esplanade. One part of their vision was to transform The Esplanade at Umina Beach into a shared zone between Umina Beach Surf Life Saving Club at Ocean Beach Road and Ocean Beach Surf Life Saving Club at Trafalgar Avenue. The Umina Community Group had been working with the council on the proposal for quite some time and at that stage it was working through relevant approvals from Roads and Maritime Services. When the Streets as Shared Spaces program was announced, I wrote to the Central Coast Council and encouraged it to apply for funding.

A shared zone leading away from the school and surf club area had significant community support due to it providing additional safety for pedestrians and cyclists and especially for the children who use The Esplanade to go to and from school every day. Transforming the laneway into a shared zone will provide a safer environment and great amenity and will activate the road to provide a pedestrian priority based space. The upgrades will include traffic calming devices, landscaping, seating, planter boxes, signage and places for active participation. The changes will ensure that The Esplanade is still suitable for existing access to the properties and other roads along it and will improve access on foot and for cyclists along the street. I congratulate the Umina Community Group on this outcome and on achieving the next stage in realising its vision for the suburb of Umina. In particular, I acknowledge the vice-president, Rod Unsworth, and also Tony Winch, who has been leading this initiative on behalf of the group for a long time now.

### WRITING NSW

**The Hon. WALT SECORD (15:15:21):** As shadow arts Minister, I speak on a recent decision by arts Minister Don Harwin. Without warning or explanation he has slashed \$175,000 a year from Writing NSW's multi-year funding. In doing so, he has crippled the State's key writing organisation. The leader of Writing NSW, Ms Jane McCredie, is "shocked by the decision", as are those who rely on its mentoring programs, seminars, festivals, events and workshops. Coming at this time, the Minister's decision has left the arts community devastated. The cuts are on top of a 40 per cent loss to Writing NSW's operating budget due to the COVID pandemic. I might add that the decision to slash funding was against the recommendation of the Berejiklian Government's own Literature Board, which advocated for the continuation of funding.

On 12 August, in the spirit of bipartisanship, I wrote to the Minister, urging him to reverse the decision. I have yet to receive a formal reply. But I desperately hope that he listens to the hundreds of writers who have spoken out on his decision. They include acclaimed writers Dr Delia Falconer, Arnold Zable, Linda Jaivin, Christos Tsiolkas and Markus Zusak. As of last week, an open letter has been signed by more than 200 writers from across the country, and my office has been inundated with representations condemning the Minister's decision. And lest people think that writing is a "Labor issue", I note that Writing NSW originates from the initiatives of Coalition arts Minister Peter Collins. Mr Collins is among the State's finest arts Ministers, along with Bob Carr, Bob Debus and George Souris.

But let us reflect on how disappointing it is that the Minister is trashing the Collins legacy. Writing NSW has fostered multiple generations of writers for New South Wales from all over New South Wales. It also provides valuable assistance to emerging writers in rural and regional areas and First Nations writers. But this Minister would rather support farce than art. He is pouring more than \$1.6 billion into the Powerhouse Museum fiasco, yet he cannot find \$175,000 to support Writing NSW. On a final and disturbing note, prior to coming into the Chamber I received an email from the South Coast Writers Centre at the University of Wollongong, which serves writers from Helensburgh to Tathra, informing me that Create NSW has just withdrawn its multi-year funding support. I appeal once more to the arts Minister to reverse these priorities and these cruel cuts. For the record, only 5 per cent of Create NSW's total long-term arts funding is provided to literature and writing organisations. I thank the House for its consideration.

### DEPARTMENT OF COMMUNITIES AND JUSTICE

**Mr DAVID SHOEBRIDGE (15:17:50):** Aboriginal children are still far more likely to be taken from their families and placed in out-of-home care than their non-Aboriginal counterparts. As I make this statement to the House, Aboriginal children make up just over 2.5 per cent of all children in New South Wales but 40 per cent of all children taken by the State. Too often the very active removal has disastrous impacts on a child's life. There is a known link between being placed in out-of-home care and ending up in prison as an adult. Government departments will say that the reasons for the disproportionate rate of Aboriginal child removals are complex, but in reality they are not.

Aboriginal families suffer from the ravages of colonisation: poverty, and the racist, paternalistic colonial attitudes of government departments like the Department of Communities and Justice. The fact is that the stolen generation never ended, and I will give an example. I know of an Aboriginal child, a teenage boy, who lives in

regional New South Wales, who is good at footy and has a loving extended family who have made sure that he has been raised in his own culture and on country. Four years ago he was taken from his mother by the department and placed in the care of the Minister because of genuine concerns about his welfare. The department then did the right thing: it worked with the local and highly respected Aboriginal-led NGO and placed him on country and in the care of his aunt and uncle. It was a loving, protective and strong family unit. Late last year the boy, as most teenage boys do, had a falling out with his uncle whose care he was in. As a result, he went to stay with the family of a friend. One of the parents of this family is a senior manager at the Department of Communities and Justice with a direct role in out-of-home care.

Aboriginal social workers from the NGO want him to return to his extended family. His extended family wants him back but the non-Aboriginal family with whom he now lives with will not send him home. Aboriginal social workers have repeatedly asked the local and regional representatives of the Department of Communities and Justice to direct the employee to return the child. The department will not do so. Since February 2020 they have repeatedly asked the Minister who has the statutory care of this boy to intervene. He has not. I have asked the same question, as has the shadow Minister, the Hon. Penny Sharpe. In correspondence from the department dated 24 July 2020 to the Aboriginal NGO, the department acknowledged that the boy should not be living with the senior manager of the Department of Communities and Justice. It stated:

This is not an authorised placement and there is nothing in how this arrangement was made and has continued, that reflects that it is an authorised placement. There has been no carer assessment or application of the placement principles, placement matching, probity checks, case planning with adults in the household and no carer allowance paid.

We are all asking why do the Minister and the department allow it to continue? Aboriginal children have a right to be raised on country and in their own culture. This boy has been denied by the department and a senior employee, who is ignoring the law, the Aboriginal placement principle and the department's own code of conduct. First Nations communities know best how to strengthen their families and they should be respected and listened to. This is a glaring example of Aboriginal voices being arrogantly ignored by non-Aboriginal families, the department and a senior departmental employee who think they know better.

#### **PARKES RURAL FIRE STATION**

**The Hon. SAM FARRAWAY (15:20:57):** All honourable members can agree on at least one thing, that our Rural Fire Service volunteers are the consummate professionals. It was my absolute pleasure on the weekend to acknowledge the dedication of RFS volunteers in Parkes and officially open their new home on behalf of the Minister for Police and Emergency Services, the Hon. David Elliott. The new facility may be worth \$870,000 but to the members of that brigade and the communities they service and look after it is a priceless resource. I congratulate the members on their new home.

The new station features four bays for their vehicles, a multipurpose training room, an office, a storeroom, a kitchen and bathroom amenities. State and local governments along with the NSW Rural Fire Service are committed to providing volunteer firefighters with the equipment and resources they need to protect their local communities. The investment in this new station will help ensure an even greater level of service in the Mid Lachlan Valley Team area. Thanks also to Parkes Shire Council for its contribution towards the station. I must commend the brigade for its outstanding community fundraising efforts as well. NSW Rural Fire Service Long Service Medals were handed out at the opening. Between the members acknowledged over the weekend, it was a mind-blowing total of 330 years' service.

I make special mention of Ron Fisher who is being recognised for 61 years' service and received the NSW Rural Fire Service Long Service Medal 1st, 2nd, 3rd, 4th and 5th Clasps. Ron has been a very dedicated member, first joining the Yarrabandi Brigade in 1959. His local knowledge has and continues to be invaluable. Well done also to Robert McConkey on his 52 years' service. Robert is an extremely dedicated and valued member of the brigade. A posthumous medal was awarded to Martha Anne Jackson, most recently a member of the Parkes Headquarters Brigade, who was recognised for her 39 years' dedication to the service and protecting her local communities. All RFS volunteers are a special breed of people: selfless, brave and above all generous. They are generous with their time, skills and very professional approach. I thank them all for their continued service and dedication to their communities. I congratulate the Parkes Brigade on its new facilities and thank its members for allowing me to be a part of their special day.

#### **WESTERN SYDNEY JOBS GROWTH**

**The Hon. PETER PRIMROSE (15:23:22):** I again want to talk about jobs in western Sydney. Recent research by Western Sydney University shows that, according to the Government's population projections, 11 Barangaroo style and size developments will have to be built by 2036 in order to create the number of extra jobs needed in western Sydney. I am continually told the answer to this jobs conundrum is that the aerotropolis

will provide them. However, the aerotropolis is not expected to be fully operational as a high skills job hub until at least mid-century and certainly not by 2036.

The Greater Sydney Commission has identified that from 2016 to 2036 over 800,000 jobs need to be created across the entire Sydney basin, with 405,000 extra jobs needed in western Sydney alone. The commission has identified two western Sydney precincts where, between 2016 and 2036, an estimated 95,400 new jobs will be created—71,400 in Central River City, which is centred on Parramatta, and 24,000 jobs in Western Parkland City, which includes the aerotropolis. But where are the other 300,000 new jobs going to come from? The aerotropolis is not expected to become fully operational until the middle of the century, so I concede that it is likely that more jobs will result from this project eventually. Even so, no indication has been given of the impact that the pandemic will have on the rollout of these projects.

Together with the many other people who live in western Sydney, I ask the New South Wales Liberal-Nationals Government, which is busy increasing permissible population densities right across western Sydney, to explain where the promised jobs are coming from. It is a simple question: Where are the extra 300,000 jobs that must be created for western Sydney going to come from? Where are the requisite 11 Barangaroo-style and -sized western Sydney developments, to be completed by 2036, to reach the Government's own jobs-growth targets?

### AGRICULTURE

**The Hon. ROD ROBERTS (15:26:05):** First we had drought. Couple that with zero water allocation for some of our regions and add bushfire and flooding to those devastating struggles. Now overlay that with the issue of coronavirus. Our farmers are crying out for support and sensible policy as a major harvesting season approaches for the first big crops we have had in many years. A shortage of 50,000 workers is estimated as a result of restricted movements and a significant reduction in the number of holiday-visa holders. As a result, fruit, vegetables and grain will be left to rot and paddocks prices will skyrocket for consumers, including struggling families, pensioners and those on fixed incomes. Imported produce will increase, which will bring questionable quality and biosecurity issues.

Nobody wants the virus to spread across regional areas but some communities will suffer far greater devastation if a sensible balance is not reached. I applaud options such as travel permits and the provision of an online portal to connect jobseekers with farm work, but much more needs to be done to ensure a sustainable and viable agriculture sector in this State. I urge the Government to work closely with its Federal counterparts to develop an urgent answer to this season's need for short-term workers. Talk of border closures beyond Christmas requires a rethink if we are to save those crops. There must be an alternative—an answer, a way. Yes, it might be difficult but it is imperative. Our unemployed, our school leavers and our grey nomads, to name a few, could form an alternative workforce.

Between September and the end of 2020 New South Wales requires workers to harvest asparagus in Gundagai and Cowra, oranges in Griffith and Leeton, stone fruit in Tumut and Batlow, blueberries in Tumbarumba, and apples and pears in Orange—to name but a few. In the medium to long term I urge the Government to pull out all stops to support our farmers. I urge it to look at sensible options to provide a hand-up. These initiatives include strengthening supply chains and infrastructure; helping to grow farming businesses; providing protections and expanding the right-to-farm policy; establishing fair and competitive markets; driving premium products and investing in value-adding; improving and expanding our markets; decentralising to create vibrant regions; and, imperatively, introducing water and environmental reforms. One Nation is open to working with the Government to find answers.

### TRIBUTE TO DENNIS BISHOP

**The Hon. WES FANG (15:28:49):** Last week the Wagga community lost Dennis Bishop. In 1991 Dennis became the principal of Mount Austin High School when I was a year 8 student there. I remember his arrival. He was a tall man with a booming voice who made a massive impression on my family, particularly on my sister and me. He helped shape who we both are today. When he passed away the local paper published a story on Facebook about him. I always thought I had a special connection with him. I found out that he had a special connection with a lot of students and that was how he made you feel. He made you feel that you were included and listened to. At a school such as Mount Austin High School that was important. He was an amazing educator. He was there for 15 years. To his wife, Carol, son, Matthew, and daughter, Danielle, we are truly sorry for your loss. He passed away at the age of 73, which is way too young. I thank him for everything he did for our community.

**DEPARTMENT OF COMMUNITIES AND JUSTICE**

**The Hon. PENNY SHARPE (15:30:17):** In the brief time that I have I will endorse the issues raised by Mr David Shoebridge in relation to a serious matter with the Department of Communities and Justice. The Aboriginal placement principles and the work that this department does with Aboriginal communities is incredibly important. We have discussed at length in this place the issues that are arising. There is currently a situation with a young man whom we know that remains unresolved despite attempts by members of Parliament to speak with the Minister and the department. It has been ongoing since October last year. I bring this matter to the attention of the House because it is a serious matter.

The removal of Aboriginal kids from family and from country is something that we have all apologised for in this place and we have talked about for a long time. It is very worrying that the department is not following its own guidelines, nor actually seeking to properly intervene and ensure that this issue is resolved. I call on the Minister today to actively intervene in this case to ensure that all of the rules and laws in relation to the placement of kids, no matter who they are, are followed to the letter of the law and departmental staff are not able to circumvent that.

*Motions***THE HON. DOMINIC PERROTTET AND ICARE****Debate resumed from an earlier hour.**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Before we resume debate on the motion, during the take-note debate I went upstairs and I have returned to a list. I observe for all members that the Hon. Penny Sharpe is on one call to order, the Hon. Greg Donnelly is on two calls to order, the Hon. Mick Veitch is on one call to order, the Hon. Walt Secord is on two calls to order, the Hon. Taylor Martin is on one call to order and the Hon. Courtney Houssos is on one call to order. I have a different style to the President. Hold onto your hats.

**The Hon. MARK BANASIAK (15:32:44):** In my contribution to the debate regarding the Treasurer and icare I will share the sentiments of people who have worked across the old system and the new. They have provided me with an evaluation of what it was like and what it is like at the ground level. Government members may question the political motives of the Opposition, but I challenge them to question the motives of those who have worked in the industry for decades and seen failures firsthand. They have passed their concerns up the chain of command only to be fobbed off. The failings of this Government in this area go beyond the most recent highlighted incidents: It goes back to the management of the reform and transitioning to the present system. The Government's management of the transition of the five to six private entities that were managing workers compensation into a State-owned single entity was bungled from the beginning.

No consideration was or has been given to the transition of staff with corporate knowledge, so there was a mass exodus of knowledge when it went from five to one. Staff who have transitioned from other insurance companies estimate that up to 80 per cent of the staff employed by icare had no previous experience in workers compensation and those who did were previously in administration roles, not technical roles such as case management. So, 80 per cent of the staff were making highly technical decisions on work capacity and complex pre-injury average weekly earnings [PIAWE] calculations without the necessary experience.

Is it any wonder there have been underpayments or overpayments with PIAWE? This is principally why we have had these issues with payments. We went from an adversarial system to swing the door totally the opposite way where case managers have seven days to assess the claim, which includes contacting all parties and getting initial medical assessments. After seven days a claim is automatically provisionally accepted anyway. Gone is the ability for a case manager to reasonably excuse a claim based on certain criteria. Is it any wonder there are cost blowouts? A submission from the review into the Nominal Insurer stated:

Claims are just being accepted or PL—  
provisional liability—

... without going through proper investigation and time line is not followed.

Under the Government's management, we went from five insurers to awarding a tender to Employers Mutual Limited. EML had previously only tendered for a small percentage of the market and was the smallest insurance company to put in a tender. EML may have done its best to scale up its work capacity, but one could reasonably question—and I pose the question to the Treasurer—why it was awarded a job beyond its demonstrable capacity to begin with. A submission from the review into the Nominal Insurer stated:

EML have been horrendous to deal with. Having a call centre look after the claims until 4 weeks is not ideal, not having a dedicated case manager is ridiculous.

To compound matters, icare adopted an approach from another insurer titled "Project Imagine", which took small, short claims away from experienced case managers and put them in the hands of teams with limited experience. It was deemed a failure by staff when it was originally introduced. Why icare management thought it would work beggars belief. This is backed up by submissions to the review into the Nominal Insurer. One submission stated:

I've had a claim sitting in the Empower and Guide team for up to 10 months before it was escalated to a case management specialist. Within weeks, it was discovered that this claimant required surgical intervention and required more attention than initially thought—something that should have been addressed in the first 3 months.

The motion speaks to the competence, or lack thereof, of the Minister and the icare board. I have been told that the icare board members would float in on a cloud to their offices with motherhood statements such as "We are a family" and "We are all in this together" while they ignored the chaos and issues that were presented to them by the staff. This highlights the ostrich mentality within management and a clear lack of competence. That is not a politically charged view; that is the perception of people who work for icare. Given this, I cannot have any confidence in the icare board—and nor should anyone else.

I now turn to the Minister. I note that responses from Government Ministers yesterday and today during question time spoke to the great work of the Treasurer in managing the economy through COVID-19. They were essentially saying, "Look over there at the shiny things while we fail over here." Allegedly doing well in one area should not be an excuse for failing dramatically in another area. Rightly or wrongly, the reality of a hierarchical system is that the buck ultimately stops with the person at the top. Ignorance of issues, whether due to the delegation of responsibility or a lack of interest, can never be considered a reasonable excuse. At the very least, if the Minister acknowledged these issues rather than putting his head in the sand—next to the board members' heads—that would be an acceptable response.

A statutory review will only bring up the same issues that were highlighted in SIRA's review of the Nominal Insurer. It will only rehash the issues that have been raised by employees within the workers compensation industry for years. The time for review is over. Even today Parliamentary Secretary the Hon. Scott Farlow mentioned the plethora of reviews that have occurred. Nothing has changed. Both the Treasurer and the icare board have been weighed, measured and found wanting on this matter.

**The Hon. ANTHONY D'ADAM (15:38:17):** I must have participated in quite different proceedings from those involving the Hon. Damien Tudehope. My perception of the evidence that was given by the board at the inquiry suggested the board was asleep at the wheel. The board had not turned its mind to a host of problems that have infected operations within icare. The crisis in icare is fourfold: It is a crisis of administration, strategy, governance and accountability. On the administrative front, the return-to-work rate is a critical indicator of the decline of an organisation.

Since 2018 icare has known that return-to-work rates were in decline. Still to this day the executive of icare is unable to answer why the return-to-work rates are declining. That suggests a complete failure within the organisation to ascertain what is going on in its operations. Of course, the return-to-work rates feed into the question of weekly payments, which has contributed to the insolvency issue as it affects the funding ratio. There are also the escalating medical payments and the litany of issues around multiple payments, such as paying three times for MRIs. It is clear that there are significant administrative problems.

Then there is the question of strategy. On the strategy front we had a twofold initiative, including the transformation program that Mr David Shoebridge referred to in his contribution, which the chairman of the board described as "ambitious". Well, actually, it was clearly a mistake. There were the two components: the decision to shift to a single agent model and then the initiative around the Nominal Insurer Single Platform, the IT initiative—this proposal to create a triaged system of cases that are determined by an algorithm and to move away from active case management. Perhaps on their own each initiative may have been something that could have been a sensible course of action but the board made a strategic error. The board was too ambitious. As a consequence of that error, the compounding failures in relation to the implementation of both aspects of the transformation project led to the decline in return to work rates. It is a mistake that has cost billions and it is a mistake that has harmed workers.

On the governance front, I cannot see how the board can escape. The board is responsible for strategy, it is responsible for culture and it is responsible for the remuneration structure in the organisation. On the culture front it is quite clear that when icare was established there was the intention to run it like a private sector organisation. In my view it was run with a private sector ethos. What that meant was that the people who came into icare to be part of the leadership group brought a private sector mentality. That meant that they did not properly understand their obligations as administrators of a public entity. That is what has led to these questions around conflicts of interest or procurement practices. The notion that the CEO of the organisation could possibly think that there was no problem with his wife continuing on the payroll beggars belief. It is indicative of someone who does not understand how public sector organisations operate.

The other element of the culture is the remuneration culture. There is a real contrast in the evidence the committee heard from Carmel Donnelly, who saw her role performing public service. It is apparent that those in leadership in icare do not see themselves as public servants. They do not see themselves as leaders of a public organisation dedicated to a public purpose. That is a fundamentally problematic approach. It is indicative of the attitude of Mr Nagle when he was questioned about the issue around losing his bonus. He just did not see what was wrong. He just did not understand that there was a problem that his priority was really about how much money he was making. That is indicative of a failure in the type of culture that the board instilled in the organisation.

There is also a question around the expertise on the board. There is very little expertise in running a workers compensation system. There is a lot of expertise in the insurance industry but certainly not sufficient expertise around running workers compensation. One of the indicators is the fact that the board failed to put into place the types of reporting structures that would ensure that there was regular reporting to the board around return to work rates. It goes to this question around the remuneration structure. The committee heard from Mr Bell. He talked about the mechanisms for determining the awarding of bonuses in the organisation. Clearly the remuneration structure is flawed—the responsibility for that is on the board.

The board members are the ones who determine the remuneration structure. They are the ones who are supposed to be structuring the incentives so that the leadership of the organisation is motivated to achieve its core objectives, one of which is return to work. Another is the solvency of the fund. Clearly the remuneration structure has not been constructed in a way that privileges and prioritises those things, and when those indicators went south there was no consequence and people still got their bonuses. It was a complete failure of the board in its duties and ultimately led to the wrong priorities. There is a question of accountability because still to this day the icare board does not think it has done anything wrong or that it failed in its duties.

I have seen organisations like this before where there are a lot of mistakes and an accumulation of errors. At an individual level, each one probably has some reasonable explanation, but in aggregate it adds up to a fundamental problem with the operation of the organisation. It is evident that in individual cases the board had some rational explanation in some instances, but that it is blind to the aggregate. It cannot see that the organisation is actually in a poor state. For that reason, the board should be sacked. To the question of the Treasurer's culpability, there are clearly two elements. I will first address the issue of secondments. In terms of the remuneration in the organisation, there are a lot of people with their snouts in the trough who are effectively plundering the resources that are supposed to be going to rehabilitating injured workers.

In the case of the Treasurer's staff, no-one argues about secondments to a ministerial office. That is a standard practice, but that is not what has happened here. This is a confected arrangement where a position has been created. A position has been created to get around the budgetary constraints in terms of the Minister's staffing allocation and that is an abuse. We cannot accept under a principle of ministerial responsibility that he can sheet home the blame for that error to his chief of staff. At the very minimum, even if you accept that there are issues with the doctrine of ministerial accountability, the Minister is absolutely accountable for the staff in his office. He cannot avoid responsibility for that; that is on him.

The Treasurer also failed on a second issue. When there are signals that there are issues with icare, a prudent Minister does not rush in and give his full confidence to the board without truly understanding the full parameters of the situation. He only does that if he thinks there are fundamental issues that he needs to try to deflect from. That is the critical issue where the Treasurer has ultimately failed. In rushing in to defend the board and the organisation, he has failed in his duty to properly scrutinise what has been going on in the organisation. On that basis, the Treasurer should resign. It is clear that the organisation has lost its way and the board has failed in its duties. It is clear that the Treasurer has failed in his oversight of the board and the organisation. On that basis, the resolution should be supported.

**Reverend the Hon. FRED NILE (15:48:55):** I speak against the motion moved by the Hon. Daniel Mookhey that the House express no confidence in the Treasurer, the Hon. Dominic Perrottet, and the board of icare due to their mismanagement of the New South Wales workers compensation scheme. The motion has been criticised by Government members, who claim that the Opposition is point-scoring. That is why the public is increasingly cynical about politics in New South Wales: Instead of constructive contributions, we have routine and regular denunciations, which achieve nothing. Motions such as this one only further muddy and damage reputations—in this case the Treasurer's—and, in due course, tarnish the reputation of the House. I do not deny that Government policies and actions can be improved but it is irresponsible and juvenile to denounce a Treasurer who has been more than competent in his core duties on the basis of controversy concerning icare.

I would have preferred if the motion removed references to the Treasurer and focused on the root cause of the problems, which is icare itself: its policies, its bonuses and other actions that it has taken. Not long ago we learnt that the Treasurer's chief of staff had resigned due to a failure of due diligence in his office. That is where the finger should be pointed. Anyone who has any experience working in politics generally and the public service

in particular knows full well that in such situations those who resign do so on principle. The buck must stop with them, so they must fall on their sword. But more often than not, a defect in process or an error of an underling is the real cause of the problem for which they must take ultimate responsibility.

I oppose the motion strongly for its attack on the Treasurer. Let us not forget that before COVID-19 hit our economy, we were on our way to a trillion-dollar surplus. That is the work of someone who knows what they are doing and knows how to do it well. In the *NSW 2040 Economic Blueprint*, which was released on 20 November 2019, the Treasurer outlined his vision for the future of New South Wales, which included significant increases in the health and productivity of the citizens of the State, improved urban and interurban connectivity, a focus on innovative problem-solving strategies for the regions and local businesses, as well as improvements to sustainable environmentalism.

There is no reason to believe those things were not achievable had it not been for the measures that the State Government has had to take in response to the ongoing pandemic. In the context of what the Treasurer has achieved under very difficult circumstances, this motion comes across as petty and juvenile. I doubt the Opposition has anyone who could do a better job than the Treasurer. Icare should be the real focus of the motion. It would not be unreasonable to call for an inquiry into Icare's practices, which I would support. But I will not support cheap shots at a competent Minister, who has demonstrated the ability to work under tremendous difficulties.

**The Hon. MATTHEW MASON-COX (15:53:30):** It is great to debate this important motion because censures against Ministers are a grave move. Such motions are rare in this place but when they do occur, it is normally when evidence is brought together in a meticulous and robust way to sustain a heavy standard. That is because it is effectively a vote of no confidence against a Minister under the Westminster system.

Let us be very clear about this so that we understand where we are in the process and what is behind the motion that is before members this afternoon. As the Deputy President so eloquently said in his contribution, we are in the middle of an inquiry by the Standing Committee on Law and Justice. The committee still has hearings to hold and witnesses to call. Members of this House know the committee has a long history of being a very effective bipartisan process and it is ongoing. The committee has looked into various serious issues over the years and brought weighty reports to this place, which have been considered in detail and actioned from that point. That is the proper process to reinforce the normal procedures of this House. Today members are seeing that process being cut short for base political reasons. There is obviously a great temptation to do so when there is a media cohort such as *The Sydney Morning Herald* and the ABC, in particular, that are hell-bent on having a crack at this one because there is a lot of public interest on the table. All members can see that.

Every member in this House wants a robust workers compensation system. We do not want to see waste. We want to ensure that everything is done properly and that workers are looked after. I cast my mind back to 2011 when members of this Government discovered that the workers compensation system was an absolute disaster under WorkCover. It was an abomination. I remember those times very clearly and the work that the Hon. Greg Pearce and other members of this place did to bring that to a head so that we could deal with the massive deficit. We worked through those issues and put in a fairer and more just process for workers who had been waiting months and years for benefits from that system. At that time the system was broken—dead and buried—and we resurrected it. Let us not forget where we came from before we jump to this hasty and ill-founded censure motion.

The debate today has been less than impressive. At best it is a weak and tepid case driven by political machinations and, indeed, the rush for the next headline. We have not got through the committee process. Indeed, we have not even got to the point where the Standing Order 52 requests have been returned. Members sat here yesterday for 15 minutes while the Hon. Daniel Mookhey read one Standing Order 52 request after another in meticulous fashion. We were thinking, "There will be truckloads of papers coming to Parliament sometime soon." He wanted those papers returned in 14 days when normally the request is 21 days. That convention that the call for papers be returned in 21 days has been the understanding of members on both sides of the Chamber. Do members know why the request is 14 days? It might have something to do with the other place coming back in 14 days. Does that ring a bell?

**The Hon. Don Harwin:** Surely not.

**The Hon. MATTHEW MASON-COX:** Surely not. This is just part of the process that should follow a considered and thoughtful, probity-provoking motion. It is simply politically driven. The timetable and the motion before the House today are politically driven. Members were brought back to Parliament especially for today to witness the weighty contribution from members opposite—and they have got nothing. It is embarrassing. Half of them have ambled out of the place. We cannot find the shadow Treasurer; he has disappeared a number of times. His contribution was weak and insipid. The shadow finance Minister is leading the charge against the Treasurer. We all know he is the de facto shadow Treasurer because the member who is meant to be in the job has gone

AWOL. Where has he gone? The Hon. Daniel Mookhey can count. The reality is that the shadow Treasurer has disappeared because he cannot count.

**The Hon. Daniel Mookhey:** Point of order: I am the first to accept that this has been a robust debate but I advise the member to follow your first exhortation, which is to stay on the matter that is before the House and to refrain from straying close to making reflections on members.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I make two observations. The first is that there was a burst of interjection from both sides of the House. Interjections should cease. The second is that the member should reflect on the terms of the motion before the House, which have nothing to do with the Hon. Walt Secord.

**The Hon. MATTHEW MASON-COX:** That is exactly right. It has nothing to do with him but it should because he is the shadow Treasurer. Having said that, I will move on. The reality is this is a political censure motion in search of evidence and in search of a shadow Treasurer. This is a political censure motion that basically has been found wanting in this Chamber. It is a pretty sad Opposition that rolls up with such a motion because of a need to justify bringing Parliament back for an unscheduled week and to obtain documents under Standing Order 52. The problem is that yesterday they said, "What are we going to do for private members' business? Let's bring on a censure motion. Let's make it look like we actually have a plan. We will do something to fill in time before Parliament resumes in two weeks and we can get the information to work out whether we have any evidence or not." It is the greatest fishing expedition I have seen in my lifetime.

I cannot imagine where we will put the documents when they are produced. We will have to build an extension to Parliament House just to accommodate all the documents that are coming here under Standing Order 52. It is an absolute shambles and an abuse of process. However, the Government is willing to engage in democracy. I wish the Opposition had the moral fortitude to deal with this matter in a manner appropriate to the processes of this House. The Opposition has embarked on an absolutely shambolic process. To suggest that the Treasurer should be subjected to such nonsense is really drawing a long bow. When we consider the motion and what has happened at icare, I do not suggest that icare has done everything correctly. There appears to me to be some real questions to answer but I have confidence in the Standing Committee on Law and Justice and the process that is underway. The committee understands exactly what should be looked for. I am backing in the committee and the normal processes and procedures of this House.

Let us make icare accountable. The Treasurer wants icare to be accountable. This House wants icare to be accountable. But let us not conflate the fiduciary duties of directors of an organisation with the ministerial responsibilities of the Treasurer. Let us not conflate the two. They are very different beasts. There is a gross misunderstanding of that by the Opposition. Opposition members do not understand ministerial responsibilities because Labor has not constituted a ministry forever. Frankly, let us hope that does not happen. Let us hope that the people of New South Wales are never subjected to this rabble Opposition becoming Ministers of the Crown.

Opposition members need to undertake some ethics and fiduciary duties training. Labor members need to ensure that they look very carefully at how they prosecute their causes instead of denigrating this great institution by moving stupid and meaningless motions that cast into disrepute members of this place and the other place who are doing a magnificent job in defence of this State by promoting high standards of accountability in a very difficult time of COVID-19. They are the real priorities we should be focusing on, not a spurious censure motion that could not withstand the light of day.

**The Hon. MARK BUTTIGIEG (16:03:02):** In the short time that remains for my speech, let me say that I am not sure how many members in this Chamber have actually dealt with workers compensation claims and the human fallout from the mismanagement and maladministration of icare, which, let us not forget, is directly reportable and responsible to a Minister of the Crown, the Treasurer of this State. The idea that the Government can merely apologise and say, "We know that a few things have gone wrong. Let us look into it. We'll fix it up, trust us. There's no responsibility and no accountability", ignores the fact that Ministers are in a privileged position of power. The reason the Westminster system drives home ministerial responsibility is because of that position of power and accountability. When Ministers and the Government refuse to make their Ministers accountable it engenders mistrust in our system of government. The Government will not sack the Treasurer and the Treasurer will not resign. This censure motion has been moved to show that we have no confidence in the Treasurer because we do not. Any mismanagement at that high level should be accountable and the Treasurer is culpable.

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

*[Business interrupted.]*

*Business of the House***ORDER OF BUSINESS**

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

That:

- (1) the time for the debate on this motion be extended for 30 minutes;
- (2) the member speaking prior to the interruption of the debate be permitted to complete their contribution in their time remaining; and
- (3) each subsequent speaker may speak for not more than 10 minutes, except for the mover, who may speak for five minutes in reply.

**Motion agreed to.**

*Motions***THE HON. DOMINIC PERROTTET AND ICARE**

[*Business resumed.*]

**The Hon. MARK BUTTIGIEG:** I am not sure how much time I have left but I support my colleague the Hon. Daniel Mookhey in bringing this motion today. It is a very important motion because, again, in the absence of the Government making itself accountable, it is incumbent on this House to make sure that Ministers are accountable when they will not take responsibility. The complete and utter mismanagement of the New South Wales workers compensation scheme by the Treasurer and the board of icare is unacceptable. Injured workers deserve better and so do the people of New South Wales. The Treasurer finally acknowledged yesterday that the buck stops with him as the responsible Minister. I echo the response of Labor leader Jodi McKay that it is time for the Treasurer to go. It is nonsensical to accept that the Treasurer is to blame for the failures of icare and yet there are no consequences, that the Treasurer says sorry and everything is fine.

It is intolerable that the Treasurer for five weeks has made blanket denials and then has expressed that after making mistakes in public life a person can apologise and move on. That is unacceptable. Too many workers have not received the help and care they need due to the incompetence of this Treasurer. Letting down three million workers and hundreds of thousands of businesses is catastrophic and has real consequences. Residents across our State cannot depend on or have confidence in the Treasurer managing our economic recovery in unprecedented times. The people of New South Wales cannot trust the Treasurer to carry out his ministerial duties. He must be sacked.

Under the Hon. Dominic Perrottet's management, documents clearly demonstrate that icare underpaid 52,000 injured workers up to \$80 million. Those injured workers have been outrageously betrayed. The Hon. Dominic Perrottet established icare when he was the Minister for Finance and when he became Treasurer he retained the agency within the Treasury cluster. The Treasurer is responsible for appointments to the board and the board is solely accountable to him. The Treasurer cannot escape the fact that the catastrophic events that have taken place under his stewardship are his responsibility. The Treasurer's mismanagement even disgracefully extended to his own office. The hiring of two personal political staff who were on icare's payroll is well beyond outrageous. Money for injured and sick workers should never have been funding staff for the Treasurer's own political advice and work.

It is disgraceful that one of the political staffers who was being paid by icare was actively working to prohibit the release of the very documents relating to icare that we sought. It is disgraceful that the Treasurer has a political staffer trying to conceal documents that were in the public interest and in the interest of injured workers to be disclosed. It is also shameful that the former United States Republican operative, whilst he was being paid by icare, was part of a \$50,000 government trade delegation to America. I will not regurgitate the litany of mismanagement that has been canvassed already in this debate except to say that this is not something that has happened at the eleventh hour.

We have known for years about the mismanagement and maladministration of icare. When I was an organiser at the Electrical Trades Union I saw firsthand the fallout of this maladministration. Back in 2015 I started getting floods of calls from our members who were telling me an arbitrary decision had been made that if a person's impairment was deemed to be 20 per cent or under their claims would cease after five years, just like that, and two years following that there would be no payment for medical expenses. The livelihoods of those people were affected. They were not able to work because of an injury sustained at work and then the Government, because it was stretched to make up a shortfall caused by its own maladministration and mismanagement, hit workers' claims.

It is bad enough that these people could not sustain themselves by earning an income because they were injured but when they were supposed to be getting paid fair compensation at pre-injury average earnings the Government said it is sorry, it has stuffed up, the scheme is struggling, it has financially mismanaged the scheme and their claims will not be paid. The idea that a Minister of the Crown, who is in a privileged position and has an army of staff and a department to get these things right, would not take responsibility is disgraceful. If the Premier does not make the Treasurer accountable, it is incumbent on the upper House to do so. That is why the Opposition has moved this motion of no confidence and it should be supported.

**Mr JUSTIN FIELD (16:10:58):** I speak to the motion moved by the Hon. Daniel Mookhey which calls for a vote of no confidence in the New South Wales Treasurer and the icare board. It is clear there are very deep issues at icare in the delivery of services to injured workers, procedural practices, potential conflicts of interest, problems with the transformation program and the sufficiency of board oversight in all of those areas. There is also the use of icare funds to employ political staff in the Treasurer's office. It points to systemic issues at icare. I agree with the Hon. Mark Buttigieg who said injured workers in New South Wales deserve better. I acknowledge the important and forensic work of the Hon. Daniel Mookhey, who highlighted these issues in public and in this Parliament, and the work of members of the Standing Committee on Law and Justice, who are inquiring into this matter.

I can understand the passionate prosecution of this case by the Labor Opposition. The Government claim today that Labor does not care about injured workers quite frankly is absurd. Labor's stand on these matters is well established, much more so than this Government or the Treasurer. The Treasurer may have been motivated in creating icare to improve the care of injured workers, which is the case that has been put, but on the face of it he has failed in that objective in many ways. There are clearly deep problems with the implementation of the move to a corporatised model of delivery of workers compensation services in New South Wales.

Money that should have been directed to injured workers has instead gone into the discredited transformation program at icare, into massive contracts that represent serious potential conflicts of interest and into absurd bonus payments to executives. To suggest these questions do not need to be answered does not stand up to scrutiny. The Government's blind defence of the organisation to date is concerning. It is not reasonable to claim that scrutiny of icare or the delivery of any government services should be reduced because we are in a pandemic. The public would expect the Parliament to continue to do its job. This debate will add to the public scrutiny and the political pressure on the Government and the Treasurer to get to the bottom of these issues and act appropriately.

Today members of this House are being asked to pass judgement on the Treasurer and the board's performance. On the surface, based on media reports, documents on the public record and the hearings of the public inquiry, there is a question mark over the Treasurer and the board. A vote against this motion is not a vote of confidence in the Treasurer or the icare board. This important motion is symbolic and in the vital interests of the people and workers of New South Wales. This motion, if agreed to, will not fix the issues at icare in and of itself. I am not opposed to this Chamber passing symbolic statements—we often pass motions that have symbolic value—but this motion passes judgement when the full facts are not yet on the table. The facts that are on the table are deeply concerning.

I recall a similar set of circumstances a few years ago in response to a *Four Corners* exposé on water theft in the Murray-Darling Basin. At the time consideration was given to a similar no confidence motion which called for the resignation of then Minister Blair. Ultimately that step was not taken because the Matthews review was established by the then Minister. The review was conducted and reported on and informed significant reforms. Since that time it has helped guide additional and deeper scrutiny into water management in New South Wales. The ramifications of that review and the work that is being done in this place and in the public arena to improve transparency and accountability in the management of water are deep and profound. These reviews have significant value.

A similar case can be made here. Members should allow the investigation into the Treasury secretary's employment and the expanded statutory review by a retired Supreme Court judge to be completed. We should allow the parliamentary inquiry to be conducted and then members can revisit the judgement. I want more scrutiny and I will support fully the proposed call for papers under Standing Order 52. Based on the facts and the Treasurer's actions, the clear perception is that he is not taking the depth of these problems seriously.

It is not reasonable for the expanded statutory review to report back in August next year. Yesterday the NSW Bushfire Inquiry handed down a 466-page report with 76 recommendations. The inquiry held public hearings around the State and reported its findings within six months. The Special Commission of Inquiry into the Ruby Princess reported in four months. That is a far more appropriate time to give this inquiry, given the level of interest and the seriousness of the failures observed already. I query whether the expanded statutory review is sufficient in scope and design to adequately address the breadth of the issues. I have made that point to the

Treasurer. I am open to a motion that calls on the Government to establish a special commission of inquiry into those matters, which former ICAC counsel Geoffrey Watson also called for. I do not support the motion.

**The Hon. Walt Secord:** I wish to make an explanation under Standing Order 89.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Standing Order 89 gives a member the opportunity to speak a second time on a question before the House to explain a matter on which the member has been misquoted or misunderstood. The member may not introduce any new matter. Is the honourable member aware of that?

**The Hon. Walt Secord:** I am.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The Hon. Walt Secord may proceed.

**The Hon. WALT SECORD (16:17:08):** I thank the House for the opportunity to speak a second time. I know it is unusual. The Hon. Matthew Mason-Cox said that I could not be bothered to be present during debate on the motion before the House. Prior to making that comment, the member approached me and asked where I was going. I told him that I was going upstairs to a meeting. It is disingenuous to launch an attack on me in such a cowardly form of words when he knew I had a meeting to attend. I thank the House for its indulgence.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I note the comments of the Hon. Walt Secord.

**The Hon. CATHERINE CUSACK (16:17:40):** I suggest members focus on the issue at hand, rather than on personal sensitivities.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** All members would appreciate that.

**The Hon. CATHERINE CUSACK:** I was a member of the Standing Committee on Law and Justice for its 2020 Review of the Workers Compensation Scheme. I take great exception to the direction the debate has taken. Many assertions made by members are incorrect. I do not assert that Labor does not care about injured workers—of course it does. But the assertion that the Government and the Treasurer, in particular, do not care about injured workers is absolutely outrageous and deeply offensive. The previous workers compensation scheme was bleeding money all over the place, lining the pockets of lawyers. It was in desperate need of reform because it was unsustainable and financially unviable. It was rescued by this Government in order to protect the interests of injured workers and ensure sustainable incomes for those workers. Labor completely stuffed it up.

The concept that the Government does not care about injured workers could not be more outrageous. The only difference is that this Government has implemented competent reform and made efforts to introduce competent management that is more in step with the industry. The Government has always been open about it having sought the best leadership for the board and the organisation. There has been a transition phase. The committee heard from all of the witnesses that things have gone awry. To say that the board could not explain any problems or any reasons why is also disingenuous. They have given us that information—whether you accept it or not is another matter. These explanations have been offered. I vigorously reject that.

Secondly, out of concern for confidence in the scheme, and recognising the significance and the magnitude of the change, particularly the IT that is being undertaken within the scheme, as well as the introduction of return to work as a performance indicator for the scheme, which we have been measuring and are improving—this was not a performance indicator under Labor—people such as Mark Lennon, president of the Labor Party, were appointed to the board. We all know that Mr Lennon has resigned.

**The Hon. Mark Buttigieg:** Unlike Mr Perrottet.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order! The Hon. Mark Buttigieg was not interrupted by any other member during his contribution. This is a contentious matter. I am sure that I am safe in assuming there will be a division at the end of the debate so numbers are important. The Hon. Catherine Cusack has the call.

**The Hon. CATHERINE CUSACK:** I thank Mr Lennon for appearing before the committee. It has been repeated ad nauseam that there was no workers compensation expertise on the board. Mr Lennon's biography showed decades of experience, including as president of the Labor Party. He was appointed to the board by a Liberal Treasurer for his expertise. What does that tell you about the transparency, effort and genuine belief that we want the scheme to work and to be open? Why were we concerned by his resignation? I have respect for Mr Lennon. I have heard his evidence over the years in committee inquiries and I have never doubted his experience or genuineness. He was not willing to tell us why he resigned. He was asked repeatedly whether he was contacted by the Leader of the Opposition and asked to resign. There is no doubt in our minds that the Labor Party has pushed him off the board because it did not suit their political interests.

**The Hon. Penny Sharpe:** Come on, you do not know that.

**The Hon. CATHERINE CUSACK:** It is absolutely clear.

**The Hon. Adam Searle:** Point of order—

**The Hon. CATHERINE CUSACK:** I am on the inquiry, unlike you.

**The Hon. Penny Sharpe:** That is outrageous. And I watched you asking that outrageous question.

**The Hon. Adam Searle:** Point of order: The Hon. Catherine Cusack is now directly casting aspersions on members of the Opposition. She is gesticulating and hurling abuse. She is reflecting on us and she is not doing it by way of substantive motion. I know it is hard for the member to govern her emotions in moments like this but it does both her and this House no credit. I ask that the member be called to order.

**The Hon. Don Harwin:** To the point of order: First of all, it is not a correct application of that particular standing order to apply it to a group. It can only be applied to an individual. Secondly, for the Leader of the Opposition to launch a personal attack in the middle of his point of order upon the Hon. Catherine Cusack and his perception of her character is disgusting. The Leader of the Opposition should be called to order.

**The Hon. Adam Searle:** Further to the point of order: I was just making the obvious point that all members of this Chamber bring a lot of emotion to the debate on workers compensation. It was not a reflection on the individual member. I was pointing out that she was reflecting on the Opposition. It was not in a collective term, she was saying "you" and looking across the Chamber and gesticulating. Whether my point of order is upheld or not, I think it would be best if all members kept to the terms of the debate.

**The Hon. Don Harwin:** Further to the point of order: *Hansard* will show that it was a direct reflection upon the Hon. Catherine Cusack. I will leave it there.

**The Hon. Adam Searle:** Further to the point of order: I make it abundantly clear that I meant no offence and I unreservedly withdraw any adverse reflection on the Hon. Catherine Cusack if I did so unintentionally.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Thank you for that. This might be unparliamentary language but we will call it a draw. All fighters will return to their corners. We will resume the bout. There is emotion on both sides, as is appropriate, but let us behave in a parliamentary manner and get the job done. It is going to be a long night, so let us do this properly, quickly and as efficiently as we can. The Hon. Catherine Cusack has the call.

**The Hon. CATHERINE CUSACK:** Mr Lennon was given many opportunities to deny the allegation during the hearing but he did not. I will leave the matter to rest there as a matter of fact. For people who are concerned about the wellbeing of the scheme and the workers, and for those who are interested in the effort that is required to turn things around, the loss of Mr Lennon from the board is a great shame. Everybody who cares about the scheme and the future of these workers would have urged him to retain his position. But, for reasons he did not explain, he is no longer in that position. The Government will continue to appoint the best people, organise reviews and go through due process.

The motion is not only premature, it has smeared reputations and undermined the efforts that are being undertaken to get to the bottom of exactly what occurred. All of those efforts are being undermined by a witch-hunt to find out the steps that need to be taken to repair the scheme. I believe there is a political agenda behind the motion. I urge members to reject the motion and to allow the committee to continue its work, as was outlined by the Hon. Trevor Khan. We were present in committee hearings, though we did not have to be, in order to ensure a cooperative and genuine approach. I ask that the process be allowed to continue and I ask that everybody put the best interests of those workers at the forefront of everything they do. This is not just a political opportunity. There are bigger issues at play in the matter.

**The Hon. PENNY SHARPE (16:26:57):** I do not intend to speak for long in debate on the motion. I am grateful for the opportunity to contribute to the debate. The matter before us is serious. The no confidence motion is used very rarely, as it should be. This is a serious sanction that, if passed by the members of this place, demonstrates a serious consideration of the issues that have been raised and the importance members place on holding the Executive Government to account. Our guide to practice and procedure in the Chamber, *New South Wales Legislative Council Practice*, by Lovelock and Evans, tells us this about no-confidence motions:

... a no confidence motion is used to call for the resignation of a minister ...

It goes on:

Traditionally, the doctrine of individual ministerial responsibility has required the resignation of a minister for major errors or failures committed with government departments or agencies, regardless of whether a minister had any personal knowledge or involvement.

New South Wales resident and much-esteemed constitutional expert Anne Twomey is also quoted in Lovelock and Evans. She states:

In many cases Ministers now actively seek to transfer any responsibility for mistakes to public servants and attempt to shield themselves from responsibility by claiming to have not been informed.

I have listened closely to the debate. I have listened to the defence of the Treasurer by his friend and close political ally the Hon. Damien Tudehope. I have listened to the lack of defence from the Hon. Scott Farlow. Instead of dealing with the matter in the seriousness it deserves, he launched an attack on a former board member of icare who has resigned from the board, which is something that no other board member has sought to do. I am extremely disappointed at the Hon. Catherine Cusack's speculation about Mark Lennon and the decision he made. The evidence he gave is his. Speculating and verballing him does her a disservice.

I listened closely, as I always do, to the arguments made by the Hon. Trevor Khan about the role of committees, parliamentary inquiries and the other processes of the House. I respectfully disagree with the conclusion that he has made. That is why this is important and those are the reasons why the motion should be passed. The Treasurer created icare. It has been in existence for several years and it reported directly to him. It had unusual arrangements but that was how icare was created. The Treasurer had complete oversight of it. To suggest that the Treasurer did not know about what was going on and somehow was not responsible for the litany of errors—this is not just some minor issue of a few overseas trips, although there were 36 of those. It is not about ripping off a few workers, although there were 52,000 of those. It is not about overpaying a few dodgy doctors. We are talking about hundreds of millions of dollars of employers' money to support a scheme for the very people who just want to go to work and one day they are hurt—they want to get better and they want to go back to work to look after their families. That is what we are talking about here and the Treasurer has known about it all along.

The Opposition has paid a great deal of attention to this issue and asked many questions. First of all, the Treasurer thought that he could just float through this. He thought this was going to pass and that there was not going to be an issue. The assiduous work of many members in the Chamber from all sides, their support of orders for papers under Standing Order 52 and their very careful work over many months has exposed the outrage at the heart of icare. Then the Treasurer tried to deflect the issues; he said that these are old issues, which have all been dealt with before. He has not told us about ICAC referrals or \$4 billion bailouts. He said, "There's nothing to see here. Don't worry. It's all good."

Then he tried to defend icare. I remind members that only a few weeks ago the Treasurer said in the other place that icare is doing a "superb job", when he knew all along that there were problems with it. He then hid from the media for several weeks, hoping it would blow over. Well, it has not blown over. It is very rare to see an issue such as this be pursued and reported upon, and for scandal after scandal to be revealed. That is because of the good oversight work of members in this Chamber. As the evidence stacked up, the icare CEO was forced to resign. And then the Treasurer's chief of staff has had to resign and the Treasurer pretended that he did not know.

I have worked for, and been involved with, Ministers for a very long time. If you think Ministers do not know how much money they have in their office, for how many staff, under what arrangements and what the rules are, then you are absolutely kidding yourself. It has taken all of this time for the Treasurer to finally front up and apologise. And remember he only did that this week. There has been much debate today about whether this is a motion of no confidence and whether it is too early. At what point is it too late to move a no confidence motion against the Treasurer over his behaviour? No other public sector agency would be allowed to do this. No other Minister would get away with this level of allowance of the outrages that we have seen at icare. I commend the motion to the House.

**The Hon. DANIEL MOOKHEY (16:32:29):** In reply: At the outset of the debate I said that this is a very serious motion, that it should not be treated frivolously, and that the House should apply great deliberation and prudence and make up its mind. Notwithstanding some provocations in the debate, the House has acquitted itself well in that respect and all members who participated in this debate should be congratulated. I thank the Hon. Damien Tudehope, Mr David Shoebridge, the Hon. Walt Secord, the Hon. Scott Farlow, the Hon. Trevor Khan, the Hon. Adam Searle, the Hon. Anthony D'Adam, the Hon. Matthew Mason-Cox, the Hon. Mark Banasiak, Reverend the Hon. Fred Nile, the Hon. Mark Buttigieg, Mr Justin Field, the Hon. Catherine Cusack and the Hon. Penny Sharpe—and if I happened to have missed anybody, I thank them too.

I want to deal only with the arguments of substance that have been put forward by the Government. To the extent to which the Government members have put forward any argument of substance, it is this: We should not be censuring the Treasurer yet. Not one of them put any argument against a censure motion. The only argument that we heard, best articulated by the Hon. Trevor Khan, was that the Standing Committee on Law and Justice should continue its work and only when that is complete should we decide whether the Treasurer, and the Deputy

Leader of the Liberal Party, should be censured. That is the only argument of substance that Government members have made in the debate.

I respectfully disagree with the argument that Mr Justin Field made. I understand his argument is that we should await the outcome of a commission of inquiry. If there were a commission of inquiry that was looking into this issue and from which we could expect an outcome, I would agree with him. No commission of inquiry—or anything resembling it—has been put in place. At best, there is a statutory review that is not reporting for a year. That statutory review has no powers to compel the production of evidence or to compel icare to appear. We are left with the simple argument that now it is only up to the Standing Committee on Law and Justice to get to the bottom of the truth. The position advanced by Government members is that only a government-majority committee can be trusted to find out whether the second most senior member of the Government has done something wrong. I am the first to respect the work of the law and justice committee and the manner in which it has gone about its work, but it is clear that it will not get to the bottom of it—certainly not in a timely manner, which brings us to the core matter of this debate.

The agency in question insures about 3.6 million people in New South Wales at work today. About 300,000 businesses pay premiums to it. Basically, the Government is saying that those people and businesses will have to wait indefinitely in case it ever gets around to taking any of these claims seriously because so far it has not. Government members would like the House to agree to that message. Opposition members believe the icare board has to go because nothing will change in the New South Wales workers compensation system if the same people are left in charge. The Treasurer went to ground for five weeks. Now he emerges from secrecy and says he is sorry but that he not prepared to take any responsibility or any accountability for what has gone wrong on his watch in an agency that he created, which is the New South Wales Government's wealthiest agency, controlling \$38 billion of assets.

The first time anyone got to hear from the Treasurer was yesterday morning when he came out of hiding. On the basis of his performance yesterday and his performance in the other place for the past five years, the Opposition says that no-one can have confidence in how the Treasurer has managed—or mismanaged—the New South Wales workers compensation system. He has driven it into a crisis: \$3.9 billion has disappeared; there are secret \$4 billion bailouts; and some 52,000 workers have been underpaid up to \$80 million. Bonuses were given to 200 members of icare staff and nine board members while injured workers are waiting to be repaid the money they were owed. I commend the motion to the House because injured workers, employers and the people of New South Wales deserve a lot better than they have got under the Treasurer.

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

**The House divided.**

Ayes .....20  
 Noes .....20  
 Majority.....0

**AYES**

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

**NOES**

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

**The PRESIDENT (16:47:33):** Both sets of tellers have identical results. There being 20 ayes and 20 noes the vote is identical. Standing Order 116 provides:

**116. Casting vote**

If the numbers voting for each side are equal, the Chair must give a casting vote. The Chair may give reasons for the casting vote and those reasons may be entered in the Minutes of Proceedings.

Accordingly, I must vote and I do propose to, at my discretion, give reasons. Page 294 of Lovelock and Evans, under the heading "Casting vote", states:

In the case of an equality of votes in division, the Chair exercises the casting vote. The Chair may give reasons for casting their vote in a particular way, and those reasons are recorded in the Minutes of Proceedings (S.O. 116). The principles guiding a casting vote are—

there are three reasons set out—

- the Chair should always vote for further discussion where this is possible;
- where no further discussion is possible, decisions should not be taken except by majority ...

A third reason talks about a casting vote on an amendment of a bill, which is not applicable. In my view there is no possibility of further discussion, as we are dealing with a motion where the time for debate has expired and a vote is occurring on that motion. To me "where no further discussion is possible, decisions should not be taken except by majority" means that the Chair should not be the reason a motion passes. The motion should pass by majority, that is, by the will of the House. As the House is unable to come to that decision by majority, then I propose to cast my vote in the negative. Accordingly, there are now 21 noes and 20 ayes. The question is resolved in the negative.

**Motion negatived.**

*Documents*

**ICARE AND STATE INSURANCE REGULATORY AUTHORITY**

**Production of Documents: Order**

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

That private members' business item No. 669 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (16:50:37):** 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, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Treasurer, the Treasury, the Minister for Customer Service, the Department of Customer Service, Insurance and Care NSW [icare] or the State Insurance Regulatory Authority relating to the administration of Insurance and Care NSW:

- (a) all documents relating to icare prepared for all meetings of the NSW Treasury's Assets and Liability Committee since 1 January 2018, including all documents which record decisions made by the NSW Treasury's Assets and Liability Committee which relate to icare since 1 January 2018;
- (b) all contracts documenting goods and services procured by icare or the Nominal Insurer under the Workers Compensation Nominal Insurer exemption to part 11, Public Workers and Procurement Act 1912, per section 154A (4) of the Workers Compensation Act 1987;
- (c) all registers which record sponsored travel undertaken by any icare or the Nominal Insurer employee or contractor and the sponsor of the travel;
- (d) all registers recording any gift or benefit received by any icare or the Nominal Insurer employee or contractor, and the sponsor or donor;
- (e) a document identifying the job title of any icare or the Nominal Insurer employee who has received a bonus or performance-based payment in addition to their salary, including the value of the bonus or performance-based payment paid, by year or financial year;
- (f) the report prepared by Synapse Medical Services referred to by *The Sydney Morning Herald* in the article entitled "Systemic failures costing icare billions of dollars", published on 17 August 2020;
- (g) all documents created since 1 January 2017 regarding icare employee, Mr Edward Yap, seconded to the Office of the Treasurer, including but not limited to:
  - (i) all documents regarding icare's decision to employ Mr Yap;
  - (ii) all documents regarding the secondment of Mr Yap to the Office of the Treasurer;
  - (iii) Mr Yap's contract of employment, personnel file and all leave applications;
  - (iv) all documents regarding Mr Yap's visa or immigration status;
  - (v) Mr Yap's diary or calendar;

- (vi) all emails, text messages, or messages sent through any messaging platform, sent to and received by Mr Yap;
  - (vii) all communications between Mr Yap and any icare or Nominal Insurer employee or contractor, or any Treasury employee or contractor;
  - (viii) all departmental or other briefs requested by, or sent to, Mr Yap, while seconded to the Office of the Treasurer;
  - (ix) all documents regarding all meetings Mr Yap attended relating to icare or the New South Wales workers compensation system;
  - (x) all documents regarding Mr Yap's resignation; and
  - (xi) any other document regarding Mr Yap.
- (h) all documents created since 1 January 2017 regarding a second icare employee seconded to the Office of the Treasurer (the second staff member), including but not limited to:
- (i) all documents regarding icare's decision to employ the second staff member;
  - (ii) all documents regarding the secondment of the staff member to the Office of the Treasurer;
  - (iii) the second staff member's contract of employment, personnel file and all leave applications;
  - (iv) the second staff member's diary or calendar;
  - (v) all emails and text messages sent to and received by the second staff member;
  - (vi) all communications between the second staff member and any icare or Nominal Insurer employee or contractor, or any Treasury employee or contractor;
  - (vii) all departmental or other briefs requested by, or sent to, the second staff member while seconded to the Office of the Treasurer;
  - (viii) all documents regarding all meetings the second staff member attended relating to icare or the New South Wales workers compensation system;
  - (ix) all documents regarding the staff member's current duties at icare or their resignation, as applicable; and
  - (x) any other document regarding the second staff member;
- (i) all applications made since 1 January 2017 to the Premier's chief of staff by any Minister or their office to approve the secondment of government sector employees to a Minister's office, in accordance with clause 35 of the Government Sector Employment Regulation 2014, as required under the Minister's Office Handbook, including all documents recording the decision made by the Premier's chief of staff responding to applications;
- (j) all applications made since 1 January 2017 to the Premier's chief of staff by any Minister or their office to approve any other arrangement for the employment or engagement of people not covered by the Government Sector Employment Regulation 2014, as required under the Minister's Office Handbook, including all documents recording the decision made by the Premier's chief of staff responding to applications;
- (k) a document listing of all people currently and previously seconded to the Premier's office, or any Minister's office, redacting the name of the person seconded, but identifying:
- (i) the title held by the person while seconded to the Minister's office;
  - (ii) the agency or organisation from which they are/were seconded;
  - (iii) the salary of the person seconded while seconded; and
  - (iv) the proportion of total employee costs paid by the agency and the total employee costs paid by the Minister's office while seconded.
- (l) a document listing all contracts identified by icare or the nominal insurer needing publication under the GIPA remediation program, identifying:
- (i) the contractor name;
  - (ii) the contract duration;
  - (iii) the date the contract was entered into;
  - (iv) the estimated amount payable to the contractor when the contract was entered into;
  - (v) the amount paid to the contractor to date;
  - (vi) the method of tendering;
  - (vii) details of the goods or services to be provided under the contract; and
  - (viii) the evaluation criteria.
- (m) all documents regarding the meeting held by the Treasurer with EML in December 2019, as disclosed by the Treasurer's ministerial diary;
- (n) all briefs, including attachments to briefs, sent to, signed by or approved by the Treasurer, since 1 January 2017 regarding any matter related to:
- (i) icare, or the Nominal Insurer;

- (ii) the State Insurance Regulatory Authority;
  - (iii) The Treasury Managed Fund;
  - (iv) any other fund managed by icare; and
  - (v) the New South Wales workers compensation scheme.
- (o) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a call for papers in relation to icare. As the issue already has been somewhat canvassed today, I might not necessarily set out the reasons the House should apply further scrutiny to icare. Instead I will narrate and provide guidance on this application for an order under Standing Order 52 as to what precisely requires production should the motion be passed. I cite a short history. If the motion is passed, it will be the third Standing Order 52 for which the Opposition has moved a motion concerning production of documents by icare. The first motion was moved in May and gave 46 days within which icare should comply. Icare and the other affected agencies complied but it became clear that icare was not producing documents it should have. We know that because other agencies were producing their documents. That is the first point.

The second point is this particular agency then made claims of privilege in respect of the return of the first order. To be fair, the Labor Opposition gave icare the benefit of the doubt and did not challenge. Even though there were substantial grounds to challenge, out of respect for the House and that particular agency the Labor Opposition did not challenge. It is not necessary for me to narrate what then happened once we were in a position to inspect the returns of other departments and what that brought to light. Those other departments complied in the spirit of the resolution and should be commended—specifically the Treasury, the Department of Customer Service and the Office of the Treasurer and the Office of the Minister for Better Regulation and Innovation. I certainly do not cast any aspersions against their compliance with the first order.

In respect to the second order that was passed, similarly a cluster of government agencies complied with the spirit and order of the House—the Treasury, the Treasurer's office, the Minister for Better Regulation and Innovation, the Department of Customer Service and the State Insurance Regulatory Authority. That was all within the bounds of what would be expected from agency compliance with an order from this House. Yes, the Labor Opposition would contest around the margins in respect of some of the concerns and we still might be lodging challenges with the Independent Legal Arbitrator about some of their returns in respect of Standing Order 52. We are still assessing that. But in answering the second Standing Order 52 one agency claimed privilege over practically everything it produced. I respect the privilege procedures of the House. I respect that a challenge to the decision of the Independent Legal Arbitrator is currently underway and that we have asked the arbitrator to look into that. The House awaits the report of the Independent Legal Arbitrator.

All of that is my way of saying I am worried that we are falling into a chicken and egg cycle with the specification of time lines. The Opposition, the crossbench and those seeking to use the power of Standing Order 52 must now organise the time according to whether or not the time line would allow the arbitrator to do their work. I would like the opportunity to have dialogue with the Government on how we can bring that cycle to an end. It is appropriate and sensible that we respect the Standing Order 52 power and we respect the public service and the agencies, even those agencies that are under scrutiny, and provide them with procedural fairness. But if we find ourselves continuing this habit of claims of privilege for every document, we on this side of the House will have to figure out return timetables to allow the arbitrator to do his or her work, which is not something that anyone here would embrace.

I now turn to two matters of substance contained in this motion. I understand that there are elements of concern about one part of the motion: the discovery of the work emails of two people who are icare employees seconded to the Treasurer's office. The Opposition is seeking that information because a claim has been made that these people are akin to department liaison officers [DLOs] or experts from an agency. One of the propositions that we wish to explore is whether or not these people were performing work well and truly outside those bounds, that is, whether or not they were performing the work of an ordinary political adviser. In this case, we would require the opportunity to see their work emails to assess whether or not they were acting in a manner consistent with the duties of a DLO. Nevertheless, I understand amendments will be moved in this debate to address the concerns and in that respect we will listen to the arguments of the mover of those amendments. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:55:51):** Mr Assistant President, since this is the first time I have been on my feet while you are in the chair, I congratulate you on your appointment to that role. In relation to motions under Standing Order 52 moved in this place, I regularly regale the House with my objections to them, generally on the basis that they are moved in circumstances where no other process has been undertaken to seek the documents, that they constitute a fishing expedition or that the Standing

Order 52 order is so onerous on the Government that it should not be supported because it actively interferes with the proper process of the Executive Government due to the time and resources that are necessary to be able to comply.

I welcome the contribution made by Mr David Shoebridge in respect of a motion he has raised which seeks some order to be placed around Standing Order 52 applications so that we have some clarity in relation to things like timing and potentially substance. Going forward, that will give more clarity and potentially lessen the amount of time that is devoted these days to Standing Order 52 motions. I do not guarantee that but I welcome the opportunity to get some more clarity around this issue and to potentially acknowledge the amount of time and resources that are being dictated to it by the continual lodgement of these Standing Order 52 applications.

I make the observation that the practical purpose of a Standing Order 52 order is to ensure that there is transparency in government but this process is having the opposite effect. What will occur is that rather than giving frank and fearless advice to Ministers, who do not want to find documents the subject of media scrutiny and the like, other processes will be adopted to make sure it does not happen. That is the natural reaction. Unless we get clarity around the process and the Government can proceed within that clarity, there will be increasing paranoia.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The Minister's time has expired.

**The Hon. DAMIEN TUDEHOPE:** I seek an extension of time.

**Leave granted.**

**Mr David Shoebridge:** As an indulgence.

**The Hon. DAMIEN TUDEHOPE:** As an indulgence, thank you. I am a great believer in transparency. We will probably never be in opposition. However, if I were I could understand a desire to be able to rely on these processes for the purposes of holding governments to account. I refer to the four or five pages of documents that are sought. Someone immediately made the observation that what we are looking for here is potentially 500 boxes of documents. A lawyer said it would take six months to comply with this document for discovery, with normal resources being thrown at it.

If that is the scope of the document that potentially could elicit that sort of response, because of the wide-ranging nature of the documents sought, then in those circumstances we should at least have a pause before we do it. We should have taken a number of steps before we got to this stage. The first is to go to the agencies and ask: How long do you need to comply? How many documents would you have to produce? What legal resources do you need to make sure that you properly comply? This Standing Order 52 calls for documents—

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** While the House indulged the Minister with extra time, I did not clarify how much time he wanted. Will he give an indication?

**The Hon. DAMIEN TUDEHOPE:** I will just say it relates to some private individuals. There is no process for those people to be contacted to know what documents they have. They could be emails, text messages and the like. The privacy of individuals who are impacted by Standing Order 52 makes this in many respects, on its face, a document that no-one in this place should support. We should demand that the author of the motion limit its scope so that it is able to be complied with on reasonable terms. This Standing Order 52 request, in my respectful submission, should be opposed.

**Mr DAVID SHOEBRIDGE (17:02:55):** The Greens support the call for papers. I heard the representations of the Leader of the Government. We have not had a single call or contact from the Treasurer's office about this—not one word. If these are the Minister's concerns, the best time to make those representations are before we are on the floor of the House. There has been radio silence from the Treasurer's office. I am not suggesting that those concerns are entirely made up or that there is no substance to some of them. Clearly, it involves a lot of documents. I advise the Government that the best time to make those representations is prior to being on the floor of the House. There has been more than 24 hours—

**The Hon. Daniel Mookhey:** Multiple requests.

**Mr DAVID SHOEBRIDGE:** I note the interjection from the Hon. Daniel Mookhey. There have been multiple requests from them to have a discussion. As far as my office is concerned, there has been radio silence from the Treasurer. I want to be quite clear—and I discussed this matter with the Opposition—that we would have been open to talking about tranches of time for the documents to be produced. But you cannot have a conversation with yourself. If the Treasurer is not willing to send an email, send a staff member, pick up the phone or even start the conversation, it is the wrong time to complain when we are on the floor of the House. I will not have a debate

with the Minister across the floor. We may disagree on that. I think this is the wrong time to make a complaint as there was time before this.

We accept that there are a lot of documents—this is a very important matter. There should have been far greater scrutiny and transparency before now from the Government and a willingness to produce documents. That being said, I think an amendment will be moved that will increase the time for some of those documents to 21 days. The amendment seems to be sensible and we are not going to oppose it. We note that there are some words of limitation and it may be amended slightly, but we do not have any difficulty with the amended amendment. I say again that there is a time to make complaints, but it is not on the floor of the House. The Government should have the discussions beforehand. If the Treasurer is not willing to even do that, then I am sorry but it is difficult to see that he has engaged in this in good faith.

**The Hon. MARK BUTTIGIEG (17:04:03):** I support my colleague the Hon. Daniel Mookhey in his request for papers. If ever there was a case for a request under Standing Order 52, the litany of mismanagement that has been exposed in icare as a result of similar motions moved previously by my colleague makes the case. This is the archetypal example of the importance of Standing Order 52 requests and why this House should generally accede to them. They provide the transparency and scrutiny which the Hon. Damien Tudehope was so effusively supporting only a few minutes ago. I will remind members of some things that Government members have said time and again when we have brought these requests to the House. On 13 May the Hon. Daniel Mookhey rightly sought papers regarding the workers compensation scheme—the very thing we are debating today. The Hon. Damien Tudehope opposed the motion and said the following:

While transparency is good, endless fishing expeditions, with all the taxpayer dollars they cost and the staffing hours they consume, are not the best use of the time of the public service of the State.

I think we can agree that it was hardly a fishing expedition, given that we have seen how horrendous the mismanagement of icare has been. Again, if ever there was a worthwhile request under Standing Order 52, that was it. The Minister went on to state:

Meanwhile the Opposition wants to waste taxpayer dollars and countless staff hours to try to score political points ... During this time, to put public servants to this expense of time and money is not a good use of resource.

I will tell members what is not a good use of resources: the mismanagement of a multibillion-dollar agency which is supposed to prudently manage funds on behalf of workers who are being thrown on the scrap heap. It goes to show how important this level of scrutiny is and why this order for papers should be supported. Numerous things have to be investigated, including the undisclosed sponsored trip to Las Vegas paid for by a multibillion-dollar contractor to the agency and the full details surrounding the two staffers who are undertaking work for the Treasurer whilst on the payroll of icare—again while workers are getting thrown on the scrap heap. This motion needs to be supported. We need to go further into this. In the previous debate, members on the other side made the point that we need to investigate this further and find out what is going on at icare so that we can fix the problem. If ever there was a Standing Order 52 motion that should be agreed to, this one is it. [*Time expired.*]

**Mr JUSTIN FIELD (17:08:06):** I support this detailed and significant call for papers by the Hon. Daniel Mookhey. If a special commission of inquiry is not going to look at the matters that were outlined in the previous debate, then it is appropriate that the House do the investigation. This call for papers is an important step in doing that. I move:

That the motion be amended to provide that:

- (1) The documents in paragraphs (e), (g), (h), (k), (l) and (n) be laid upon the table of the House within 21 days.
- (2) The words "as it pertains to icare or the Nominal Insurer" be inserted at the end of paragraphs (g) (v), (g) (vi), (g) (vii), (g) (viii), (g) (xi), (h) (iv), (h) (v), (h) (vi), (h) (vii), (h) (viii), (h) (ix) and (h) (x).

Just so Government members are aware, that amendment was made on the floor. I am sure the reasons why are self-evident. It has been discussed and circulated. The amendment does two things. Firstly, it recognises that some of this information will be difficult to put together in the given time frame and so it extends it slightly. To pick up on the comments made by the mover of the motion, in all likelihood a lot of this information will attract a claim of privilege. Some of the planning now being done in this House is a result of that. That is happening in regard to other Standing Order 52 motions as well. The amendment factors in the time frames needed to get to the bottom of these serious issues that this House has an obligation to scrutinise. I recognise that not all of that can be done in one cycle. An additional week will be given to the Government for those things that are not so easily pulled together.

Secondly, the amendment deals with the issue that the Government raised in its response. I recognise that there is a concern, and it may be a legitimate concern. But what is on the public record already about the reasons for the staff being employed in the Treasurer's office, the way that they came to be employed there and the work that they did falls short of public expectation about normal operating practices during secondments. The arguments

about whether their correspondence should have some special privilege are not as clear cut, but I recognise that we should be looking in the first instance at their work as it pertained to icare. If no documents turn up as a result of that, then we know that they were not doing work pertaining to icare. The House can then consider what further steps it should take to look at what work was being done. But, in the first instance, the amendment enables only documents relating to their work pertaining to icare and the Nominal Insurer to be picked up in the call for papers. I support the motion and I hope the House can support the amendment.

**The Hon. COURTNEY HOUSSOS (17:11:30):** I make a brief contribution to the debate on the motion moved by my colleague the Hon. Daniel Mookhey. I begin by noting his forensic work—not just over the past couple of weeks or months but over years—to expose the extensive mismanagement, poor culture and greed of people at the top of the icare organisation. This request for papers is extremely extensive, but it goes to why we have a House of review. We need to be investigating these issues and utilising the opportunities that we have at our fingertips. To the Hon. Daniel Mookhey's credit, he has been pursuing this across many different avenues. It looks like he will break some new ground on this tonight, as he should. It is an incredibly important issue. He is fighting on behalf of people who go to work, as we all do each day, and the worst happens: they incur an injury and they are forced into the workers compensation system.

At the end of each year Foodbank releases its *Foodbank Hunger Report*, usually at the Parliament. On multiple occasions during my time as a member, the people that come to Parliament to highlight the incredible concerns facing those who cannot purchase food for themselves have suffered an injury at work. It goes to the heart of why we are pursuing this matter with such vigour and for such a long time. This has been drawn out over a number of weeks in the media because we have people in this State who can no longer purchase food for their families once they are injured at work. It is not an unrealistic expectation that people who go to work and get injured have a safety net so that they can still pay their bills and put food on their table.

This issue has been burning along for four weeks now because of the outrageous things that have been occurring. Icare underpaid 52,000 workers up to \$80 million, yet it overpaid doctors hundreds of millions of dollars. When problems appeared, instead of addressing the incredible bonuses being paid to executives, icare tried to shift 17,500 workers off the scheme. It had political advisers on its payroll and a CEO who ran the organisation like his personal fiefdom. Executives were taking overseas trips that beggar belief. Now the finances are in tatters. More must be done. I commend the motion to the House.

**Reverend the Hon. FRED NILE (17:14:48):** I contribute to debate on the motion moved by the Hon. Daniel Mookhey that includes a two-page list of documents that he is seeking under Standing Order 52. The question is about the extent to which Standing Order 52 can be used. As members know, I have served in this Parliament for nearly 40 years. I have never seen Standing Order 52 used as often as it is used now. I recall that, initially, motions calling for documents under Standing Order 52 were very rare. It was even rarer that those motions were agreed to by this House. However, in recent years it has become almost a regular feature of proceedings. It is not going too far to say that Standing Order 52 has become a device used by the Opposition and some crossbench members to go on fishing expeditions to locate information with which to embarrass the Government. Any reasonable person would consider that to be an abuse of the processes of this House.

As currently drafted, Standing Order 52 can enable truckloads of documents to be sought. I doubt that the drafters of the original standing order had that in mind when it was introduced. In fairness, and to be accurate, I acknowledge that Chapter 17 of the *New South Wales Legislative Council Practice* refers to the Interpretation Act 1987, which is currently in force. Therefore the definition of the word "document" in the Act is incorporated into that explanatory document in its singular form. However, the standing order uses the plural "documents" and section 8 of the Act stipulates that the use of the singular denotes the plural. Be that as it may, the core question before us is about where to draw the line between a legitimate and illegitimate use of the standing order. This House was established in 1823. I do not believe that a fishing expedition for boxes of unspecified documents falls within the traditions of the House. Indeed, I am heartened by the commentary in the *Annotated Standing Orders of the NSW Legislative Council*, which states very clearly on page 161:

While SO 52 is not the source of the power, which is conferred on the House as a reasonably necessary power ... the standing order outlines the administrative process [of those orders] ...

That is a vital point: The power to produce papers does not come from the standing order. The standing order is merely an administrative instrument that asserts the power— [*Time expired.*]

**The Hon. ADAM SEARLE (17:17:54):** I indicate to the House that the reason this particular order for documents is necessary is because of this Government's secrecy and lack of transparency in connection to icare. It is on record that at least one of the staffers employed by icare, but working from the Treasurer's ministerial office, was never, in substance and truth, an employee of icare. He did not work at icare. Instead of being up-front and open and providing all the information, the information that has been brought to light by the work of the

Hon. Daniel Mookhey over weeks and months and, of course, by the work of the Standing Committee on Law and Justice has necessitated the motion before the House.

One reason for the increase in motions under Standing Order 52 is that this Government, more than its predecessors, has become addicted to secrecy. The Government's behaviour in relation to other avenues of information, such as freedom of information laws, has become so unresponsive that members of the Opposition who seek to get information from government for the purpose of pursuing issues and holding the Executive to account have not been able to get the information in that way. There is no requirement that any member make an application under the Government Information (Public Access) Act before pursuing a motion in the House. The fact is that serious issues surround the Treasurer's administration of the scheme and icare as an agency. The documents are being sought to get to the bottom of those matters and to seek what other information is available, not just in connection to the Treasurer's ministerial office or, indeed, icare but also other secondment arrangements across Government. We know anecdotally that there are other indefensible arrangements, but we need to verify it.

It is quite clearly the case that this is not the first time, nor indeed the last time, that such sham arrangements have been put into place. We need the Executive to take this issue seriously and to stop traducing the administrative arrangements that should be in place. The fact is the Premier's own chief of staff must sign off on all employment arrangements in ministerial offices. No adequate explanation has been forthcoming about why the Premier's chief of staff did not do so in this matter. We need this call for papers. [*Time expired.*]

**The Hon. DANIEL MOOKHEY (17:21:01):** In reply: I thank all contributors to this debate: the Hon. Damien Tudehope, the Hon. Courtney Houssos, the Hon. Adam Searle, Mr Justin Field, Mr David Shoebridge and the Hon. Mark Buttigieg. We do not object to the amendments. If we had an opportunity to have a similar dialogue with the Government, probably we would have reached a similar outcome. The extent to which the crossbench was able to facilitate a dialogue is to be welcomed. I will reply to comments made by the Hon. Damien Tudehope. As Opposition members have said before, we would happily have had any conversation with the Treasurer's office or any Government member on this issue. We made that offer repeatedly and it was the Government's choice to not take it up. I am not critical of that; they can make that decision.

I reiterate that we remain open to talk on those matters to ensure that the legitimate concerns of the Government are addressed. In having those conversations, we are not seeking Government support of our motions; we do that unilaterally with no expectation of anything in return. I repeat that in relation to the call for papers under Standing Order 52. It is alleged that this call for papers is a trawling exercise. Comments that many members made in the previous debate are echoing in my mind: The House is doing such a good job and that it should continue to do its job. I agree. The House has been doing a really good job and it should continue to do its job. That is the unanimous view of the Government in previous debates and that should be its view in this one as well. As Mr Justin Field said, no commission of inquiry is underway that can get these documents.

The statutory review that the Government has announced does not have the power to compel production of those documents. The only institution that has the ability to bring them into the public domain is this House—and technically, the other place. I have a suspicion that only this House will seek to use its powers in this matter. It is an appropriate matter in which to use those powers. The concerns around privacy are covered by Mr Justin Field's amendments. I anticipate that the Government will invoke a public interest immunity claim about privacy. I place on the record that the Opposition will treat that claim seriously.

It deserves to be treated seriously, notwithstanding the fact that privacy is not a recognised ground for public interest immunity in this respect. The Opposition has discretion as to which parts it challenges and how it does so. As a matter of good faith it will be clear about that. The Opposition does not seek to create any undue adverse outcome for a person if it can be avoided. That is a principle it will stick to. The documents are serious, the matter is serious and people deserve answers. The Standing Committee on Law and Justice would benefit tremendously in its inquiry by having access to these documents. For those reasons I commend the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** The Hon. Daniel Mookhey has moved a motion, to which Mr Justin Field 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.

**The House divided.**

Ayes .....21

Noes .....19  
Majority.....2

#### AYES

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

#### NOES

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

**Motion as amended agreed to.**

### DEPARTMENT OF EDUCATION ASSETS

#### Correspondence

**The CLERK:** According to the resolution of the House of 5 August 2020, I table correspondence from the Secretary of the Department of Premier and Cabinet relating to Department and Agency Assets—Department of Education, received this day from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution.

### STRONGER COMMUNITIES FUND

#### Return to Order

**The CLERK:** According to resolution of the House of Wednesday 5 August 2020, I table documents relating to an order for papers regarding Stronger Communities Applications, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### Claim of Privilege

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

### KOALA POPULATIONS AND HABITAT

#### Return to Order

**The CLERK:** According to resolution of the House of Wednesday 5 August 2020, I table documents relating to an order for papers regarding koala habitat and population, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### Claim of Privilege

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

### SOUTH EAST SYDNEY INTEGRATED SERVICE PLAN

#### Return to Order

**The CLERK:** According to resolution of the House of Wednesday 5 August 2020, I table documents relating to an order for papers regarding the South East Sydney Integrated Service Plan, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

## AUSTRALIAN NATIONAL BABOON COLONY

### Return to Order

**The CLERK:** According to resolution of the House of Wednesday 5 August 2020, I table documents relating to an order for papers regarding the Australian National Baboon Colony at Wallacia, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

### Claim of Privilege

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

## NSW POLICE FORCE

### Return to Order

**The CLERK:** According to resolution of the House of Wednesday 5 August 2020, I table a document relating to an order for papers regarding civil claims against the police, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the document.

## PUBLIC SCHOOL ENROLMENTS

### Correspondence

**The CLERK:** According to resolution of the House of Wednesday 5 August 2020, I table correspondence relating to an order for papers regarding the enrolment capacity of public schools received this day from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution.

### *Motions*

## VICTORY IN THE PACIFIC DAY

**The Hon. TREVOR KHAN (17:36:10):** I move:

- (1) That this House notes:
  - (a) 15 August 2020 marked the seventy-fifth anniversary of the end of the war in the Pacific, variously known as Victory in Japan or Victory in the Pacific Day;
  - (b) the war in the Pacific, whilst commonly thought as having commenced with the attack on Pearl Harbor and the simultaneous landings in southern Thailand and Malaya, could also be said to have started in 1937 with the attacks by Japan on the Republic of China;
  - (c) losses both human and material amongst the Allied forces and civilians during the war were enormous but are estimated to total approximately four million military dead and as many as 26 million civilian deaths;
  - (d) losses sustained by the Japanese are estimated to be 2.5 million military dead and over one million civilian deaths;
  - (e) the Formal Instrument of Surrender was signed in Tokyo Bay on 2 September 1945 aboard USS *Missouri*; and
  - (f) following the surrender, British Commonwealth occupation forces, a task force consisting of Australian, British, Indian and New Zealand military forces, together with US forces, remained in Japan until 1952.
- (2) That this House calls on all members to honour the memory of all those Australians, both military and civilian, who endured the war for their sacrifice. As members know, 15 August was the seventy-fifth anniversary of the announcement by Japan of its acceptance of the unconditional terms of surrender in 1945. In the days leading up to Japan's acceptance, there had been an extended period of negotiations involving the Swiss with regard to the unconditional terms. In the end, narrowly, the Japanese finally accepted the terms. The end of the war was the culmination of a disastrous period of aggression by Japan, which commenced with its actions in China from July 1937 and was followed by the attack at Pearl Harbor and the landings in southern Thailand and Malaya.

It was the landings on the Malay Peninsula that saw Australia's involvement in the Pacific theatre of World War II. Nevertheless it is important to acknowledge that the first troops engaged in the Malayan campaign were British and Indian, with one of the first major battles being at Jitra. There British and Indian soldiers suffered a severe defeat and the outcome was repeated as British forces were pushed back down the Malay Peninsula. I will not recount every battle of the Malayan campaign, suffice to say that the lack of air cover, poor coordination of forces, collapsing morale and in some cases poor training saw the withdrawal of all forces to the island of Singapore on 31 January 1942.

One cannot underestimate the capacity of the Japanese in those early stages of the war because their experience in China from 1937 meant they were far superior in terms of their training and discipline compared to the less well-trained British and Indian forces. The Malayan campaign resulted in 7,500 Allied troops being killed or dying from their wounds, 10,000 wounded and 130,000 captured. Many in this Chamber know that the defence of Singapore was a terrible campaign. This defence and the eventual surrender lasted until 15 February 1942, approximately two weeks after the withdrawal of all troops to Singapore island. Around 5,000 Allied troops were killed or wounded during this campaign, with a further 80,000 captured. It is important to recognise that the majority of deaths were Australians. While Australian troops made up less than 15 per cent of the troops engaged, they constituted over 70 per cent of all deaths. The scale of the defeat is illustrated by quoting the Japanese commander General Yamashita who said:

My attack on Singapore was a bluff, a bluff that worked. I had 30,000 men and was outnumbered more than three to one. I knew if I had to fight long for Singapore I would be beaten. That is why the surrender had to be at once. I was very frightened all the time that the British would discover our numerical weakness and lack of supplies and force me into disastrous street fighting. The fall of Singapore was the start of a Japanese occupation that impacted not only those troops taken captive. I will return to this later. I will however note that the occupation of Singapore and other areas resulted in serious loss of life for the local populations. In Singapore, for example, the Sook Ching massacres from 18 February 1942 until 4 March 1942 were terrible massacres of particularly Chinese civilians on the island. The operation was overseen by the Imperial Japanese Army's Kenpeitai—secret police—and was subsequently extended to include the Chinese population in Malaya. These massacres resulted in the deaths of between 10,000 and 25,000 people. Many of the soldiers taken captive ended up working on either the Thai-Burma Railway or the Sandakan airfield in Borneo. The abuse and mistreatment of those prisoners is well known. I will not repeat it here but for those members who have had the privilege to visit Hellfire Pass in Thailand one can only say the experience is terrible. We all must mourn for the men who perished in those camps. They should never be forgotten.

In total over 60,000 prisoners of war worked on the railway, of whom approximately 12,000 died. Of the 13,000 Australians who were forced to work on the railway some 2,802 died. This is a death rate of around about 20 per cent for all those soldiers taken there. I add that apart from the tragedy of the death of those soldiers, those who returned did so with terrible scars, both physical and mental, from the experience. Let us also remember that perhaps 300,000 South-East Asian nationals worked on that railway. Some came voluntarily, having been offered a variety of inducements; some were coerced. Surely none of them knew what they were to face. It is believed that of those 300,000 South-East Asian nationals as many as half perished on the railway.

The fall of Singapore was soon followed by the collapse of resistance in what was then known as the Dutch East Indies as well as in the Philippines. This too was followed by the occupation of much of Papua in what is now Papua New Guinea. Time will not allow me to recount the events on the Kokoda Trail nor the campaign at Milne Bay, suffice to say this campaign that commenced in July 1942, a mere few months after the fall of Singapore, consumed the attention of Australia through most of the balance of that year and has become a significant part of our war history. The suffering of the Australian troops coupled with their increasing skill in jungle fighting as the campaign progressed has become legend.

There are many other campaigns that I could refer to but I must take a moment to acknowledge the navy and air men who served and died for Australia. Importantly, in respect of the navy I refer to the Battle of the Sunda Strait that saw the loss of HMAS *Perth*, the attack in Sydney Harbour that saw the sinking of HMAS *Kuttabul* on 31 May 1942, the Battle of Savo Island that saw the loss of HMAS *Canberra* in August 1942 and the Battle of Leyte Gulf, in the lead-up to which HMAS *Australia* was subject to what is believed to be the first kamikaze attack, resulting in the deaths of 30 sailors including Captain Emile Dechaineux. I note that Australian forces remained engaged in combat throughout the war. Indeed, 10 Royal Australian Navy vessels were present at the signing of the Japanese surrender in Tokyo Bay on 2 September 1945. Those were the Australian navy ships *Ballarat*, *Cessnock*, *Gascoyne*, *Hobart*, *Ipswich*, *Napier*, *Nizam*, *Pirie*, *Shropshire* and *Warramunga*. I end my contribution by noting the personal observations of one sailor who was aboard HMAS *Hobart* whilst moored in Yokohama Bay following Japan's surrender. He wrote:

On Wednesday ... I received my first leave and Thommo and I went ashore. My first impression of Japan faded into insignificance compared with those I experienced in the afternoon. My feeling after a few hours ashore was a mixture of disgust, pity and shame: disgust because of the filth which surrounded me and the appalling circumstances of the people; pity because of the terrific amount of suffering which the people had undergone and would have to undergo; and shame because of the way our men and the other occupation forces are conducting themselves. Yokohama's residential area was practically burnt out with incendiary bombs and the Japanese are now living in tin shanties. Families of six and more are living (if you can call it that) in places no bigger than, and not nearly as elaborate as, our wood shed.

The word "poverty" has no meaning until one sees the state of this country. When you walk along the street Japanese jump out of your way like scared rabbits.

I don't mind seeing apprehension in the eyes of men of military age but it makes me feel ashamed to see the look of terror on the faces of old people and young children.

Many of the lads delight in adding to their terror but strange though it may seem, I could no more do anything to make their lot any harder than jump over the moon.

The 19-year-old sailor who wrote those words was my father writing to his then girlfriend, my now widowed 93-year-old mother. I think what he wrote was illustrative of the impact of war. It is not a battle of nations; it is a tragedy of the human experience. It is now estimated that there are only some 3,000 surviving World War II servicemen. Their ranks grow thinner by the day. They, along with those who stayed home, those who supported those who returned, those who found that their loved ones who left came back either physically or emotionally damaged, all deserve our admiration and support. It is for us to acknowledge their sacrifice and honour their memory. Lest we forget.

**The Hon. TARA MORIARTY (17:51:47):** On behalf of the Opposition I indicate that we wholeheartedly support this motion. I thank the Hon. Trevor Khan for moving this motion and for his words, and for the contribution of his father that was so beautifully put. It is really important to hear personal experiences and I am sure all members appreciate that. The Opposition supports the motion. Saturday 15 August 2020 marked the seventy-fifth anniversary of the end of the war in the Pacific. It is 75 years since Japan surrendered unconditionally to the Allied armed forces after more than three years of war. It is really important to take the time to reflect on the role and sacrifices Australians made to win and end the war in the Pacific region.

We acknowledge with honour and sadness the losses amongst the Allied forces and civilians during the war. Those losses were enormous and estimated to total approximately four million military dead and as many as 26 million civilian deaths—every one of them tragic. More than one million Australian men and women served in the war and about 40,000 never returned home, killed or died as war prisoners. We acknowledge an estimated 2.5 million Japanese military deaths and over one million civilian deaths during that war. We acknowledge and remember Australia's war efforts from 1942 to 1945 in the Pacific region, including in Singapore, Borneo, Malaya, Papua New Guinea and New Britain. It is important that all members in this House honour the memory of those Australians who endured the war, both military and civilian, and thank them for their sacrifice. We acknowledge them. We remember them for their own sakes and so that we continue to always strive for peace. Lest we forget.

**The Hon. WALT SECORD (17:52:52):** I make a brief contribution on the motion moved by the Hon. Trevor Khan on the seventy-fifth anniversary of Victory in the Pacific Day. I also support my colleague the Hon. Tara Moriarty. I deeply appreciate the Hon. Trevor Khan sharing his late father's reflections and his prose was pure literature. I note the formal wording of the motion, which states that the losses were approximately four million military dead and 26 million civilian deaths. Earlier this year we also marked the seventy-fifth anniversary of Victory in Europe. As a person born in Canada, I have to admit that my experience and knowledge of World War II centres on the war in Europe and that my family served mainly in World War I, not in World War II. But since migrating to Australia almost 32 years ago, I have learned and discovered much about World War II in the Pacific. As part of my personal education I have made an effort over the past few years to visit a number of World War II sites.

I have visited Pearl Harbor in Hawaii, the Commonwealth war graves in Sri Lanka and World War II cemeteries and sites in the Northern Territory, including the Commonwealth war graves at Adelaide River War Cemetery. I have visited sites in honour of Matthias Ulungura, who was a First Nation person from the Tiwi Islands, who in 1942 became the first Australian to take a Japanese prisoner of war on Australian soil. I visited his grave site and his personal memorial. I have also visited sites related to the bombing of Darwin, also known as the Battle of Darwin, on 19 February 1942, which was probably the largest single attack ever mounted by a foreign power on Australian soil.

I also note that we have now been reduced to an estimated 3,000 World War II veterans in Australia. I acknowledge their sacrifice. COVID-19 has curtailed commemorations around the world, both in Europe and in the Pacific, and whilst ceremonies may have been diminished, the significance has not, nor has our memory of a generation who showed the stoicism to endure fascism and had the fortitude to defeat it. I was moved by a reminder of these qualities in the investiture of Captain Tom Moore, who was recognised for raising millions for United Kingdom health workers during COVID-19 at the age of 100. A republican myself, I smiled when he stood before the Queen and said that if he knelt, he might not get back up, and Her Majesty assured him that was okay. That exchange, to me, embodies the spirit that defeated Nazism—a combination of fortitude and fellow feeling.

From a Northern Hemisphere perspective, and as a person who lived in Canada, I know that each nation views Victory in Europe from their own perspective. In Australia, we see our men and women who served as uniquely brave and generous. As a child, I learned of the unique contributions of Canadians to defeat the Nazis. In the United States I heard how the Americans said they saved Europe. My fiancée, who was born in Moscow and came here 28 years ago, said that in her schools she was taught and that her family members who fought the

Nazis were told that the Third Reich would have prevailed if it were not for the Russian army. On sheer numbers she was probably right. Some 16 million Soviets died in World War II—more than 15 per cent of their entire population. And, of course, we must always recall the six million Jews, including 1.5 million children, systematically murdered in the name of supporting insane ideas.

Read objectively, 75 years on, the doctrines of Nazism are just insane and irrational. And yet, with the right conditions—disunity, disruption and instability—those insanities became orthodoxy, fuelling tyranny. So I ask members: what irrational ideas are gaining traction today? Antisemitism is on the rise worldwide. We have seen, of all things, Nazi flags flown in Newtown and Wagga Wagga. In Port Macquarie recently I noted graffiti declaring COVID to be a global Jewish conspiracy. In a crisis, irrationality and conspiracy can flourish. They seduce away from the hard work of cooperation and into the ease of blame and distraction. We cannot be seduced—we cannot let our communities be seduced. We must remind them that as with fascism only stoicism, fortitude and fellowship can defeat this pandemic. The model is there for us to follow with the World War I and World War II veterans, a generation that we commemorate today. Lest we forget.

**The Hon. SCOTT FARLOW (17:59:46):** I support the motion and commend the Hon. Trevor Khan for moving it. This year 15 August marked the seventy-fifty anniversary of Victory in the Pacific Day, which is when Japan accepted the Allied demand of an unconditional surrender. While on 8 May Victory in Europe Day signalled the end of war in Europe, in Australia the battle was still close to home in the Pacific theatre of war. World War II started for Australia on 3 September 1939 when the Australian Government accepted the United Kingdom's declaration of war against Germany and the Nazis. From 1942 until the end of the war Australian military forces made up the majority of the Allied forces in the south-west Pacific theatre. Unlike World War I, this war was on our doorstep. There was the bombing of Darwin and submarines as close as just hundreds of metres away in Sydney Harbour.

Following the dropping of atomic bombs on Hiroshima and Nagasaki, the Japanese Government advised of its intent to surrender. On 15 August 1945 Emperor Hirohito of Japan announced and broadcast that Japan would accept the terms of the Potsdam Declaration, which was the proclamation that defined terms for the Japanese surrender. The Potsdam Declaration set very clear terms for an unconditional surrender but importantly also set out a clear pathway for the future of Japan—a future that has resulted in Japan now taking the place of New South Wales's most important trading partner and number one export market. The declaration states:

The Japanese Government shall remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established.

Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those which would enable her to re-arm for war. To this end, access to, as distinguished from control of, raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted.

The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government.

Acceptance of the Potsdam Declaration was a defining moment. World War II was over; tyranny had been defeated; good had prevailed. I take this opportunity to note the strength of Australia-Japanese relations as testament to how we can recover through any adversity. I briefly note that I have seen the Hon. Trevor Khan at many Japanese functions. I think he has a very strong relationship with the Japanese community. After hearing the comments in the Hon. Trevor Khan's father's letters, we can gauge how much the relationship between Australia and Japan has grown. I think about the stories that my grandmother told me of my late great-grandfather's venom for Japan. He served in the Home Guard and his son was sent to war in Borneo against the Japanese. I also think about how that has changed throughout subsequent generations.

I also reflect on how every year on Anzac Day when I was the Mayor of Strathfield a Japanese woman would apologise personally to every veteran for the actions of her homeland. I thank the Japanese people for their continued friendship despite the terrors of war. At 8.50 a.m. Prime Minister Ben Chifley received a code word advising of the Japanese surrender and at 9.30 a.m. he made his historic broadcast from the 2CY studios, telling the nation, "Fellow citizens, the war is over." Five years and 11 months of war defined our nation and our future. Prime Minister Chifley continued his message saying:

Let us remember those whose lives were given that we may enjoy this glorious moment and may look forward to a peace which they have won for us. Let us remember those whose thoughts, with proud sorrow, turn towards gallant, loved ones who will not come back.

Out of a population of seven million, nearly a million Australians served in the armed forces. More than 39,000 Australians lost their lives, more than 23,000 were wounded and more than 30,000 were taken as prisoners of war. During World War II more than 130 members and future members of this Parliament served in the Australian Defence Force. Some 75 years later we stand in this Chamber in a far different world that is suffering

a different hardship. This anniversary of Victory in the Pacific Day has been different to previous anniversaries. Many people have been unable to come together to commemorate the brave men and women who served in World War II. Many veterans whom I met at commemoration events for the Centenary of Anzac remarked that they were looking forward to being able to commemorate the seventy-fifth anniversary of Victory in the Pacific Day and, particularly, World War II battles. Unfortunately, due to COVID, they have not been able to commemorate those events in the same way.

While we have commemorated Victory in the Pacific Day differently this year, we will never forget the bravery, courage and sacrifice of all Australians who fought for their country. We will never forget those who remained at home, keeping the nation running for the war effort, and we will never forget the ultimate sacrifice paid by those who did not return. The New South Wales Government has collected a catalogue of stories that tell of the effort of our veterans—our nation's heroes—and their widows in their own words. Those breathtaking stories have been immortalised and are accessible through the New South Wales War Memorials Register.

One story is that of Able Seaman Gerald Hewish of the Royal Australian Navy. Gerald was only 18 when he enlisted. He served on the HMAS *Melville* on 19 February 1942—the day that Darwin was bombed by the Imperial Japanese Navy, killing 237 people. Buildings, ships and services across Darwin were destroyed. Gerald was part of the navy team responsible for recovering bodies and cleaning up after the attack. He talks about the horrors of war and his gratefulness to have survived.

Another story is of Margaret Ferrier, a flight mechanic in the Women's Auxiliary Australian Air Force. Coming from a farming background, Margaret came to Sydney where she started her work for the war effort in a factory manufacturing the famous Tiger Moth aeroplane. She lied about her age when she signed up at the recruitment centre in Martin Place. Margaret served her country servicing aircraft at the No. 10 Elementary Flying Training School in Temora. Kathleen Carlon was 17 and a volunteer in the WANS—the Women's Australian National Service in Wagga Wagga.

**The Hon. Wes Fang:** Hear, hear!

**The Hon. SCOTT FARLOW:** I expected that from the Hon. Wes Fang. Kathleen called WANS, the Widows and Neglected Spinsters. She trained in first aid, cooking and marching. During World War II Wagga Wagga was a major service centre.

**The Hon. Wes Fang:** Hear, hear!

**The Hon. SCOTT FARLOW:** I thought there would be another one. The RAAF had a base at Forest Hill and the army was based at Kapooka. On the weekends Kathleen and the WANS served their country by providing the army with home-cooked meals that were handed out at Edmondson's department store. Navigator Bill Geoghegan, RAF Bomber Command, Royal Australian Air Force, lived in Bondi and joined the air force in 1942. When asked why he signed up, he said, "I thought I had a duty to do what I could to help out." Serving in England, he flew in missions, including the crossing of the Rhine against the German armoured divisions, earning a congratulations from Prime Minister Winston Churchill. Signalman Allen Stien, Signal Corps, was living in Concord when he enlisted in the army at the age of 18. He undertook his training in Cowra where his father was serving in the garrison. Allen was on board a troop ship destined for the Morotai, an equator island, when he heard of the bombing of Hiroshima, the devastation of which he saw firsthand when later posted in Tokyo.

Those brave Australians and hundreds of thousands of others are Australian heroes who stepped up to serve their country, to defend our way of life and to do their part to protect the world against evil. We are forever thankful as a State and as a nation for the service, heroism and sacrifice of all our country men and women during the five years, 11 months and 11 days of World War II. We have not been able to commemorate the seventy-fifth anniversary of Victory in the Pacific Day in the way we wanted to this year, but I commend the Department of Veterans' Affairs for doing what it could in its #OneInAMillion campaign to reflect on the service and sacrifice of family members on the seventy-fifth anniversary of Victory in the Pacific Day.

On that day I was fortunate to share the story of my second great uncle James Shearer. It may seem like a somewhat distant relative but he lived next door to my grandparents and had no children, so he was very close to them indeed. We ended up living in his house and I grew up in 42 Leicester Avenue, Strathfield. I am fortunately the custodian of his medals from World War I and World War II. He was a member of the 12th Australian Light Horse Regiment in the Great War and then re-enlisted for service in World War II. His medals and his *Bible* are treasured possessions. His story is one of millions that we shall never forget. Lest we forget.

**Reverend the Hon. FRED NILE (18:10:12):** I am pleased to support the motion by the Hon. Trevor Khan and I thank him for his moving and heartfelt contribution to the debate. I thank him for leading us in this commemoration of Victory in the Pacific Day, celebrated on 15 August 2020. The war against Japan had a tremendous impact upon Australia as a young democratic nation. My father was not involved in World War II

and the war against Japan. He was involved in World War I as a 17-year-old Englishman in the British army. That made a significant impression upon me as a son who shared his name, Fred Nile. It motivated me to volunteer for full-time national service training and then for another 20-odd years in the Army Reserve. It was my small contribution but nothing compared to the contribution made by our Australian soldiers in the Pacific during World War II.

The war in the Pacific commenced with attacks on the Republic of China in 1937 and then southern Thailand and Malaysia. The loss of life and material by the Allied forces and civilians during the war was enormous and human loss is estimated to total approximately four million military dead and as many as 26 million civilian deaths. Losses sustained by the Japanese are estimated to be 2½ million military dead and over one million civilian deaths. There has been little emphasis during this debate on the dropping of the two atomic bombs on Japan. All of us instinctively oppose the use of nuclear weapons in any way whatsoever because they are such a blunt and cruel instrument that take the lives of millions of people. My observation is that if those bombs had not been dropped the war with Japan would have continued because of the fanatical Japanese desire to serve their country and emperor. If those atomic bombs had not been dropped and Australia had had to invade Japan, there would have been a higher death rate amongst our soldiers.

It would have been a fight to the death with the Japanese army. They would have given their lives willingly and, in so doing, taken the lives of Australian soldiers. Assuming we had the support of the Americans and the British, their lives would have been taken as well. In some ways, those two bombs brought the war to a premature end. The loss of human life among the Allied forces and civilians during the war was enormous. It is estimated there were approximately four million military deaths and as many as 26 million civilian deaths. On 2 September 1945 the *Instrument of Surrender* was signed in Tokyo Bay aboard the USS Missouri. That was when the Japanese made their formal surrender, which they had been forced into by the dropping of those two bombs.

Following the surrender, the British Commonwealth Occupation Force, consisting of Australian, British, Indian and New Zealand military forces, together with the United States Armed Forces, remained in Japan as an occupation force until 1952. I join with the Hon. Trevor Khan and other members of the House in honouring the memory of all the Australians, both military and civilian, who endured the war. We thank them for their sacrifice and for giving their lives so that we could live in freedom in the democratic nation of Australia.

**The Hon. NATALIE WARD (18:16:10):** I commend and thank the Hon. Trevor Khan for moving the motion. I thank the other members who have made a contribution. It is the job of the House to recognise and remember the great sacrifice made by our forebears. Victory in the Pacific Day, known as VP Day or Victory over Japan Day, is commemorated on 15 August. Many members have personal stories of the war, so I will not indulge too much, but I recognise my father-in-law, the late John Begg. As a bright young thing, he enlisted as a navigator in the war and flew Liberators. His job was to sit with a compass and navigate. Before iPhones and the World Wide Web, his job was to work out how to get from A to B with a compass. I say lovingly that John Begg was wont to tell a story over dinner, and very often he would tell the same story. We stopped interrupting with, "We have heard this story, John." He would tell the story and we would nod and smile. Thankfully he did, because I remember those stories.

He told the story of flying the American brass into Japan when they were going to sign the *Instrument of Surrender* document. He did not talk very much about the war, but he did tell us that story. It is one of those things that is difficult to envision. John was a humble man and he did not speak much about the war. In fact, he declined to march in the celebrations for many years until my husband and I had our son. One year we helped out at a Rotary barbecue, which we go to every year, and he decided to march for the first time that year, which was a delight. We have a photo of him and our son together, which is a nice family memory. That was a turning point for him. I thank him for his service. As a point of difference, my grandfather on my mum's side, Edmund Stirling Lorenz, did not go to war. It was not for philosophical reasons, but because he was a market gardener. He was asked to stay in Australia to grow food for people. Many people contributed to the war effort in many different ways. My grandfather on my dad's side, William Leslie Ward, was the racer in the family. He was a messenger and he rode racing bikes, as my brother is wont to do—much to my discontent.

They and their families all contributed in their own ways and made great sacrifices. It is a testament—and I recognise the Hon. Scott Farlow's contribution about Japan—to the way the generations can repair. To me it is telling that just a generation before us, our grandparents were fighting this war and losing friends. We think we are living in difficult times; we have no idea how difficult it was for them. But now our children eat sushi at lunchtime and after school. Here we are, having evolved: We go out for our teppanyaki and sushi. Thankfully we have come a long way since those days. We thank all of those who sacrificed but also all of those who worked towards repairing and healing the relationship. I have my grandfather's medals and I am delighted to have that privilege. I am quite humbled to have those and to pass them on through the generations, hopefully. They are very

serious symbols of the magnitude of what was done in that generation before us so that we are able to live here freely and do what we do, thanks to them.

On 15 August 1945 at noon Emperor Hirohito broadcast to the people of Japan that he and the Japanese Government had accepted the Allies' *Potsdam Declaration*, essentially marking the unconditional surrender of Japan. It was with that surrender that in effect the Second World War was brought to an end. Outside of Australia it is known as Victory in Japan Day but, according to the Australian War Memorial, that is to this day the preferred title of the United States, the United Kingdom and New Zealand. I understand that a popular myth suggests that the day was originally named as such in Australia and surreptitiously changed later, but this is apparently false. It has always been called Victory in the Pacific Day, or VP Day for short, in Australia.

As I mentioned, Emperor Hirohito accepted the proclamation on 15 August 1945 but the formal surrender did not take place under 2 September 1945. On that day the Japanese envoys boarded the USS *Missouri* in Tokyo Bay and formally signed the surrender document. I understand John Begg was there. Half an hour later 42 US ships entered Tokyo Bay, with 13,000 American troops landing on Japanese soil. Under the terms of Japan's surrender, the *Potsdam Declaration*, Japan may not rearm for war. To this day Japan's sovereignty is confined to the four islands of Honshu, Hokkaido, Kyushu and Shikoku, plus the minor islands determined by the Allies. That was enshrined in the declaration. Japan remains unable to rearm itself for war. Its military only operates for its self-defence force.

The war began on 9 December 1941 when Australia declared war on Japan in response to the attack on the US base at Pearl Harbor. During the course of the war, almost a million Australians, one-seventh of Australia's population at the time, helped with the war effort, with about 500,000 serving overseas. By the end of the war, approximately 40,000 were killed and many more were wounded. In the lead-up to Japan entering World War II, Australia focused on bolstering its defences in the region. In some sense, it was the making of us. This defence strategy was called the Singapore strategy. Australian soldiers were instrumental during the Pacific campaign, fighting in Singapore, Malaya, the Dutch East Indies, Rabaul, New Guinea, the Solomons, Borneo and more.

It brings to mind the great novel by Nevil Shute, *A Town Like Alice*. While it is a fiction, for me it is quite a profound novel in encapsulating the struggle of women. It is a story of women who were captured with Jean Paget. The Japanese who looked after them refused to take any responsibility for them and just kept walking them around from town to town. They did not actually have anything to do with them until eventually most of them died and all the Japanese guards died. One Australian bloke, Joe Harman, who stole some food and was punished for doing so, looked after those women. They looked after each other in a telling tale of how they survived day by day and, not being used to those depravities, got through. Of course, there is the beautiful romantic tale of Jean and Joe meeting up again in Australia in a gold rush town and the beautiful story that ensued. I will not indulge it here but it is the most amazing novel. If you have not read it, please do.

During the Pacific campaign, 21,467 Australian soldiers were taken prisoner by the Japanese and approximately 7,500 did not survive. The prisoner of war camps were brutal. Two-thirds of the Australian prisoners were captured during the first seven weeks of Japan's advance. Many Australians either do not realise or do not appreciate how close the Japanese came to potentially taking over parts of Australia. Darwin was bombed by the Japanese on 64 occasions, as was Horn Island, Broome, Exmouth Gulf and Townsville. We came close to being a different place than we are today. We are very grateful for the eventuality of peace in our time.

I thank the Hon. Walt Secord for mentioning the Shoah, the Holocaust, and the six million Jews who were murdered in the genocide during World War II. I have spoken in this place before of the horrific murders of those Jews in the course of the war and I will continue to do so. Nonetheless, we are grateful and we thank our forefathers and those who were sacrificed in battle. We thank those who have worked together on peace and forgiveness. We thank them for allowing us to survive and live in a happy and harmonious Australia with our good neighbours in the Pacific. I commend members for their contributions. I thank the Hon. Trevor Khan for his sincere and heartfelt contribution and for bringing such a beautiful story to this place. May every Australian reflect on the sacrifices made by our forefathers so that we are lucky enough to live freely in this democracy. Lest we forget.

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

**The Hon. CATHERINE CUSACK (20:00:31):** I was not one of the signatories on the piece of paper to support that Parliament be recalled this week. But given the significance and sombre nature of this anniversary, I acknowledge the President, the Hon. John Ajaka, for his tribute earlier this week and the minute of silence we observed. I also thank the Hon. Trevor Khan for moving this motion because there is no more significant or more important work that this House will do this week than acknowledge this colossal event in Australian history. I acknowledge Dr Brendan Nelson, AO, and the Australian War Memorial for the moving ceremony that I watched on television.

The event was organised in the context of COVID-19 and they did a beautiful job. The speeches given by the Prime Minister and members of the military in attendance were absolutely beautiful. The Prime Minister began his speech by talking about the generation of Australians caught up in World War II. He reminded us of our own youth, the things we did and the fun we had as young people and as students going out and the things you get up to. He talked about this generation which was robbed of its youth and all of those pleasures—things that are part of the fabric of our lives. This generation did not have that. They had a horrifying experience growing up. *The Daily Telegraph* and many other newspapers did a lovely job memorialising the seventy-fifth anniversary of Victory in the Pacific Day. On 14 August 2020 *The Daily Telegraph* editorial referred to our greatest Australians. The paper stated:

Today, on the eve of the 75th VJ Day anniversary, we celebrate the lives of Australia's greatest and bravest generation. The soldiers who are still with us are from a time when many may have struggled to imagine survival into the next day—much less until 2020. Yet they made it through not only war but deadly diseases, The Great Depression and countless other ordeals.

The paper notes those same people are now most at risk in the COVID-19 pandemic and every time figures are published, whether in Victoria or New South Wales or elsewhere, my heart just breaks. I also read the obituaries of that generation of Americans. They were absolute heroes who saved the world and guaranteed our freedom. They are now being taken by this insidious disease. The fact they have lived great long lives is no consolation to me as they face this new and possibly final battle. *The Daily Telegraph* noted that those brave men—and I would add women—helped build the strong and resilient Australia we now enjoy.

*The Daily Telegraph* also published a story about Les Cook, which is pertinent to today's theme. It is lovely when the media focuses on individual stories because the modesty and humbleness of those men and women is just extraordinary. I have no doubt this is a legacy of their war experience; they emerge with this sense of humanity and humbleness. He talks about diving into the sand outside Benghazi in Libya because the troops he was with were being strafed by German fighters. He states:

They had machine guns firing 600 rounds per minute. You can imagine there were a lot of bullets. The bloke alongside me asked me a question and I turned my head to answer him and a handful of bullets went into the sand where my head had been. If he had not called me I would not be here now.

The man went on to fight in many theatres, including Papua New Guinea. The randomness of life in war just takes your breath away, doesn't it? The article stated that after the war Mr Cook was disappointed that the United Nations was not united and sad that many major threats had not brought the world together. That theme of internationalism and what that generation brought home with them from World War II is very significant to me in terms of the history of the Liberal Party.

I note that people of all parties fought hard in World War II. No political party owns World War II and I would never suggest that. My grandfather, Labor to the bootstraps, fought in Papua New Guinea. There were great heroes on all sides of politics. However, in the case of the Liberal Party, we had men the likes of Sir John Carrick and Sir John Gorton who returned from World War II. John Carrick was very famous for his service and time as a prisoner of war. He was famous among the soldiers for his leadership and for saving lives. He never spoke about those experiences when he returned. He was a great and humble man, who contributed greatly to the nation, as many did after they returned.

The idea of a United Nations and the world coming together so that no generation would ever again have to face the horrors that confronted them was absolutely a founding principle of the Liberal Party. I had the great fortune to meet a woman who is not known and would have called herself a normal woman. Her name was Honor Brown; her maiden name was Humble, so she was born Honor Humble. She died at the age of about 98 in 2005. I visited her in a nursing home because she had stories about the Liberal Party that she wanted to tell me. She came from Victoria and her grandmother, Emma Humble, was a founder of the suffragettes in Australia.

In her remarkable life, which I could spend all night talking about, Honor was an ancillary in the RAAF and had one of the listening posts. She married a gentleman by the name of Jack Brown who had been a prisoner of war in Italy and had escaped and fought with the partisans there. He returned a hero and was highly decorated. They went to Japan for the occupation after the war. She was one of seven women who were sent over because we had so many troops over there and there were zero women. They were just friends and correspondents. She had a remarkable time in postwar Japan.

She told me the stories of what it was like there and of the devastation. She also told me of the respect that the occupation forces came home with for the Japanese people, which was absolutely fascinating. Certainly in my childhood, I grew up with a generation who hated the Japanese. Honor and Jack met in a settlement camp for immigrants from Italy in Victoria. They married and went on and ran things in the Liberal Party. But she talked about all of those heroes who came home and the conversations they had during those important meetings that preceded the formation of the party in 1944.

I am just so humbled and in awe of their vision, their belief and their reasons for why our party was formed. From time to time many motives are attributed to the conservative side of politics, particularly because we have a relationship with and a belief in the marketplace, a belief in business and in growth and all of those opportunities and economy policies. But it must never be forgotten that the Liberal Party was founded by the heroes of a generation who came back from theatres of war and wanted war never to happen again. They wanted peace and unity in the world and a successful League of Nations to prevent conflict. I was reminded of that by Mr Cook's remarks in *The Daily Telegraph* on the weekend. I thank all who enlisted during the war for their incredible service.

My cousin Dymphna Cusack was a writer, a pacifist and an opponent of all wars. She ultimately wrote some very remarkable books that many members may have heard of, such as *Come in Spinner*, which is the only contemporary book written in Australia during World War II that did not focus on a battle, a great general or a hero. It was a book about ordinary Australians and their experience in Kings Cross during the war. She ultimately turned to communism and was very well travelled. She spent a lot of her life after the war travelling and working. I have some very interesting political associations in my background but I have so much respect for her humanity. It is difficult to imagine what it would have been like to be an English teacher and looking at boys in the classroom, knowing that they will all volunteer and go off to war to be killed, which she experienced in her own family. She was very dissatisfied with the treatment of veterans at that time. That was another issue on which she campaigned very strongly.

During the war period there was definitely a diversity of views. There also was a diversity of views among veterans. My grandfather never marched on Anzac Day. He was very angry about things that happened during the war. I am pleased that the country has come together around the story and around the great things that came out of that war because it definitely united and bonded us as Australians. We see people of every ethnicity celebrating Victory in the Pacific Day. During marches, particularly Anzac Day marches, we make welcome soldiers who did not fight for Australia but who also participated in the war. The spirit of inclusiveness and brotherhood and sisterhood that can only come out of such a cataclysmic event and experience is something that we would all do well as Australians to honour.

I acknowledge the role played by the United States in bringing the war to an end. Basically the United States has been in the background for most of our lives. I have learnt about its military power and the economic power of the United States producing two-thirds of the world's gross domestic product at the end of World War II and I acknowledge that it is a mighty country. We have basically been brought up with world security and economic stability and growth that one way or another is attributable to the power of the United States of America. America has played a role in many countries. Some people now question why we bother acknowledging the United States when everyone is criticising us and, with big forces at play, how we can afford to continue this relationship as a nation.

In my opinion, the United States has been taken very much for granted. In celebrating the seventy-fifth anniversary of the Victory in the Pacific Day I noticed some of the veterans commented that when the United States dropped the bomb on Japan—obviously it was huge news but it was not understood. Some of the veterans talked about the relief that went through all Australians and all of the rest of the world that this incredible and dreadful event was finally brought to a close. The United States fought alongside us. Indeed, there is no question that without the United States Australia would have been invaded by the Japanese. We have a very special bond and we owe a very big debt to the Americans.

I have seen many war memorials in the Northern Territory. Adelaide River has a Commonwealth War Graves site. I have seen similar sites in the Solomon Islands and on Cape York. The graves are organised by Australian soldiers, Canadian soldiers, New Zealand soldiers and American soldiers; they are all laid out amongst their brothers—they are overwhelmingly men. The American graves were all empty because after the war America had made a promise to the soldiers' families that they would bring all of their sons home. This was never logistically something Australia could do, simply because of the number of people we lost in war, particularly in World War I but also in World War II. We do search and seek to recover our soldiers as best we can, but in the case of America they came and exhumed all the graves. But the graves are still maintained as if the soldiers were there, to remind us of the great debt that we owe to those Americans for their resources and for the lives that they gave in the Pacific.

I again thank the Hon. Trevor Khan. I believe this is the most important event in the twentieth century. We owe a debt to those young people who never had their youth. Their character and strength after what they had experienced, what they brought back and their remaking of the country with optimism and hope is a legacy that we stand on and we should be so proud of it. There is nothing more important that we can consider and talk about this week in this Parliament than this anniversary. I thank and acknowledge the Hon. Trevor Khan and the President, and also other members who have spoken on this motion, for their remarks.

**Debate adjourned.**

*Documents*

**MINISTER FOR POLICE AND EMERGENCY SERVICES**

**Production of Documents: Further Order**

**Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 644 be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (20:17:11):** I move:

- (1) That this House notes:
  - (a) on 13 May 2020 the House agreed to an order for the production of documents concerning the investigation undertaken by the Assistant Police Commissioner into the circumstances of a car collision involving the Minister for Police and Emergency Services that occurred on 27 October 2019;
  - (b) on 3 June 2020 a return was received to this order which included two boxes of privileged documents and two boxes of non-privileged documents;
  - (c) the police records produced in compliance with the order for papers made multiple references to video recordings of the incident involving the Minister for Police and Emergency Services; however, no recordings were provided as part of the return; and
  - (d) according to the Interpretation Act 1987, a document means any record of information, and includes:
    - (i) anything on which there is writing; or
    - (ii) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; or
    - (iii) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; or
    - (iv) a map, plan, drawing or photograph.
- (2) That under Standing Order 52 there be laid upon the table of the House within 14 days the following documents in the possession, custody or control of the New South Wales Police Force, the Minister for Police and Emergency Services or the Department of Justice:
  - (a) video footage of the Minister for Police and Emergency Services following a collision with another driver that occurred on 27 October 2019 and which was referred to in documents returned on 3 June 2020 concerning the police investigation involving the Minister for Police and Emergency Services; 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.
- (3) That, should the Leader of the Government fail to table documents in compliance with this resolution, it is open to this House to take all necessary action, including censuring the Leader of the Government, adjudging the Leader of the Government guilty of contempt and suspending the Leader of the Government for whatever period necessary to cause compliance with this order of the House.

On 13 May this year the House agreed to an order for the production of documents involving the road rage incident in which the Minister for Police and Emergency Services chased down a young 18-year-old driver, cornered him and then a series of contested events occurred. Did the Minister impersonate a police officer and commit a very serious crime? Did he assault the driver and commit another potentially serious crime? What was the intimidating behaviour of the police Minister on the day in question? Although he was the police Minister and had that role of authority over the Commissioner of Police and, therefore, the police, and despite calls for an independent investigation by officers outside of New South Wales, the matter was investigated by an assistant police commissioner in north-west Sydney, who undertook an investigation into the circumstances of the car collision involving the Minister for Police and Emergency Services. I put on record that I have great sympathy for any police officer who is required to do the job of a criminal investigation of their own police Minister—the Minister placed that officer in an impossible position.

Worse still, legal advice was sought from the Office of General Counsel but before the legal advice had been received a decision was made to give the Minister for Police and Emergency Services a clean bill of health in the matter. It was extraordinary behaviour. I say again on the record that I have genuine sympathy for those police who were put in that impossible situation. How on earth, whether required or otherwise, did they find themselves in a situation to determine the investigation before they even got legal advice? I have genuine sympathy for the police who were in that impossible situation of investigating their own police Minister. They should never have been placed in that situation by the behaviour of the police Minister.

I firmly believe there should have been a genuinely independent investigation by an officer from a police force outside of New South Wales—either interstate or an Australian Federal Police officer. Clearly that should have happened. Nevertheless, the decision was made by the NSW Police Force not to progress charges. On 3 June a return was received to the order, which included two boxes of privilege documents and two boxes of non-privilege documents. In the non-privilege documents, the police records that were produced purportedly in compliance with the order, there are multiple references to video recordings—the police seeing them and observing them—involving the police Minister on the day. However, no records and no video recordings were produced in accordance with the return. Part 2 of the Interpretation Act 1987, which is probably the best place to go to understand the meaning of the word "document", the word used in the call for papers, is unambiguous. It provides that:

*"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—

and this is the key phrase—

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

Clearly the video recordings should have been produced, but they were not. I have put this motion on again to compel the production of the video recordings which should have been produced originally and to note that the failure to produce those documents may lead to further action being taken by this House. In the meantime, having moved this motion, certain documents were provided to me by the Minister's office, purportedly in compliance with the original Standing Order 52 and/or in compliance with the current Standing Order 52. There have been discussions with the Leader of the House. I understand that a statement will be read onto the record to indicate the genesis of the documents which have been provided to my office. When that is read onto the record, I will ask that this motion be adjourned to the next sitting day upon which private members' business takes precedence.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:22:30):** The chronology outlined by Mr David Shoebridge is accurate. On the last occasion when the Standing Order 52 was before this House a USB containing a video recording was provided to Mr David Shoebridge. I note that on 5 August the Minister for Police and Emergency Services provided three videos to Mr David Shoebridge which were filmed as part of an incident that occurred on 27 October 2019. Those videos were contained on the USB. The Minister for Police and Emergency Services in the other place would like to place on the record that the videos provided by him to Mr David Shoebridge were always originally intended to be voluntarily provided to Mr David Shoebridge and that this footage now exists in the public domain. The videos provided, apart from pixilation to hide the identity of one individual, have been supplied without alteration. To the best of the knowledge of the Minister for Police and Emergency Services the videos provided are the only videos that are known to be captured in relation to this incident and are covered by this call for papers.

**Debate adjourned.**

*Bills*

## **CRIMES AMENDMENT (ZOE'S LAW) BILL 2019**

### **Second Reading Debate**

**Debate resumed from 5 August 2020.**

**The Hon. TREVOR KHAN (20:25:03):** I am unsure of how much time I have left for my contribution. I make what I think is a remarkable observation—that on 14 October 2017 I received praise in a media release issued by the Christian Democratic Party. That is novel and unprecedented and will never be repeated. That media release included a quote from Reverend the Hon. Fred Nile, which states:

"I thank Scot MacDonald for commending me for introducing this Bill, and I am grateful that Trevor Khan acknowledged that this Bill —

that is Reverend the Hon. Fred Nile's 2017 bill—

is not a 'stalking horse' to attack the current law on abortion."

"The Christian Democratic Party has an unblemished legacy of defending life in NSW. Our position has not changed. But this Bill addresses a very specific problem."

"Under the proposed law, mothers will have the right to decide whether or not prosecutions can be commenced for actions that result in the death of their unborn babies."

"This humane and moral law will benefit the people, especially the mothers, of New South Wales."

"I am open to the possibility of amending aspects of the Bill, under the condition that the objects and effect of its key provisions are not watered down beyond recognition."

"Likewise, I welcome any Committee of Inquiry into the Bill, so long as that Inquiry is in good faith and not an underhanded vehicle to delay this necessary reform."

I became aware of that media release and I took it in good faith that Reverend the Hon. Fred Nile was committed to the bill. Indeed, Reverend the Hon. Fred Nile was not the only person committed to seeing it go forward. So too was then member of this House the Hon. Paul Green and the former member for The Entrance, Mr Chris Spence. As a consequence of what seemed to be an olive branch to move this forward and my being alive to a legislative mechanism that had been adopted in Tasmania, as were others in this Chamber, discussions started to take place. Those discussions did not involve Reverend the Hon. Fred Nile. They involved Mr Spence and Mr Green and they sought to reach a position that would allow Reverend the Hon. Fred Nile's bill to go forward in an amended form to address the circumstances that confronted Brodie Donegan and her husband—that is, and I will be frank about it, the termination of a late-term pregnancy as a result of an illegal act by another person.

Those discussions went on for some time and various people became alive to them. At that time the Public Health Amendment (Safe Access to Reproductive Health Clinics) Act 2018 had been passed already by this Parliament. Some members in this place believed that I had a degree of influence over the voting patterns of other members and that, strangely, I may be able to facilitate the bill's progress. Whether that is true or not is for others to decide. Nevertheless, those discussions took place and amendments were prepared. Some discussion of those amendments occurred but a conscious effort was made to see if something could be done. It led to a lengthy conversation with a journalist by the name of Gina Rushton, then of BuzzFeed. I have to say that she dealt fairly with the issues that I raised. It would generally be considered that she is perhaps to the Left of the journalistic profession but she treated me with decency and reported me accurately in BuzzFeed. This is part of the article posted by Ms Rushton on 1 November 2018, which reads:

"I didn't decide to introduce amendments so it would pass, I introduced amendments because I think it is an issue that will be dealt with when abortion law reform is addressed, and you can't simply shut this debate down."

His first amendment replaces the term "child in utero" with "the foetus of a pregnant woman".

"The change of the term recognises we are still talking about an injury that is occasioned on the mother, i.e. we are getting as far from a concept of foetal personhood as possible," Khan said.

The next amendment deletes "Zoe's Law" from the name of the bill.

"I haven't spoken to [Brodie Donegan] in some years but when I spoke to her previously there was this feeling that the danger was politicians were taking ownership in a sense of her private grief, and she wasn't entirely comfortable with that," Khan said.

Khan said Nile's bill applies to a pregnancy "from conception", whereas his third amendment sets a gestational limit of 24 weeks. The destruction of a foetus before this gestation would not be captured by the offence.

That is the current offence. That is essentially what the six amendments sought to do. I sought to create a bill that dealt with the loss of late-term pregnancies. Those amendments were distributed quite widely and a number of Liberals obtained copies of them. Obviously the Hon. Paul Green obtained copies of them and various members further afield, whom one could describe as being on the Left of politics, obtained those amendments. I have to say I believed then, and I believe now, that I was seeking to travel a middle course that would deal with the ill as I identified it—and, in truth, the ill that Reverend Nile was, and is, trying to fix.

The result was that nobody was satisfied. I was attacked by various groups, including Ms Cate Faehrmann, in Greens Left publications and by various others from the Left of politics on the basis that what I was proposing would hamper abortion law reform in New South Wales. I thought they were wrong then and I think they are wrong now. I was a lawyer; I know how to be hated by everyone and I certainly attracted a degree of criticism from the Left of politics. One of those who was not happy with me—and I understand her position and use this term advisedly—is my good friend the Hon. Penny Sharpe, who thought my proposal was dumb. She is entitled to her opinion. I will take that on board as justifiable criticism.

That is not where the criticism stopped. The Christian groups who supported Reverend Nile were just as horrified by me—including the Hon. Paul Green—because they saw what I was seeking to do as the stalking horse for abortion law reform. It did not go far enough and it did not establish fetal personhood, which some who supported Reverend Nile's bill wanted. They wanted it from conception. Essentially, they wanted the concept of fetal personhood—which has infected so much of the debate in the United States—introduced into law in New South Wales. The opportunity to deal with the circumstance that confronted Brodie Donegan and others was lost. The amendments were filed in anticipation that Reverend Nile's bill would return in late 2018. I was ready to go. I was ready to move and try to convince some of my colleagues that this was the way to achieve the end, but nothing happened.

We went to the 2019 election without anything being done. Some members might think it was a good outcome from their point of view, but one consequence was that the Hon. Paul Green did not get back in. That was a tragedy for him and for law reform in New South Wales. I knew abortion law reform would happen in New South Wales, and I did not see what Reverend the Hon. Fred Nile was doing, with appropriate amendments occurring, as in any way hampering that outcome. To this very day, the fact that the problem has not been addressed in an appropriate way is a tragedy. It should be fixed, but it requires a degree of compromise from all sides. Reverend the Hon. Fred Nile's bill does not fix the problem now, despite all his attempts to do so.

Once Reverend the Hon. Fred Nile's bill is disposed of, I will be an absolute advocate for resolving the problem. There is enough goodwill in the Chamber to fix it and it must and should be fixed. I believe Ms Donegan, her husband and the memory of Zoe deserve to be appropriately catered for, but unfortunately it is not dealt with by the honourable member's bill. I do not mean that as a criticism of him, but the bill is not the vehicle to do it. I encourage Reverend the Hon. Fred Nile to bring his bill to a vote. I believe it will be defeated, but what he is trying to do is meritorious. I am sure he can work with the Government and I am sure the Government is prepared to work with him on the outcome. I oppose the bill, but that is not a personal criticism of the honourable member. With abortion law reform now achieved, the fears of those who supported abortion law reform should be satisfied. But the bill must be constrained, measured and proportionate to the ill that should be fixed. I believe there is a way through and we can do it.

**Debate adjourned.**

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

#### **Second Reading Debate**

**Debate resumed from 5 August 2020.**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:38:18):** I speak neither in opposition to nor support of the Roads Amendment (Toll-free Period) Bill 2020, which arises without any forewarning to the Government that it would be debated today. There is generally sufficient warning that a bill will be debated and a process is followed to allow the Government to consider its position. I understand this is an item of private members' business, but it has been brought on in a week when members have been recalled to the House. The bill is to be debated when the other place is not sitting and without the ordinary process. Normally a bill would be considered by the Cabinet and the party room for the purpose of forming the Government's position.

The Government has been deprived of sufficient circumstances to consider its position on the bill and to decide whether to support or oppose it. I foreshadow that at the conclusion of my remarks I will be moving a motion that debate on the bill be adjourned to a future sitting day to give the Government the opportunity to consider the bill and contribute to the process. It strikes me as an extraordinary thing to do to ignore the conventions of this place and to force the bill on the Government in circumstances where it is not in a position to have formed a view.

At the end of the day, the bill may have merit. It appears to me that it may attract the support of the Government, notwithstanding that there has already been media in relation to it. The bringing of the bill today seems to have been conducted in concert with the media that has surrounded the subject matter of the bill. I see that the mover of the bill, the Hon. John Graham, has now graced the House with his presence. It strikes me as a significant discourtesy to the Government for the Opposition to say, "We want to bring this bill on and take it to a vote" knowing that the Government has not been in a position to consider its position.

**The Hon. Adam Searle:** What have you been doing for three weeks?

**The Hon. Mark Buttigieg:** Managing icare.

**The Hon. DAMIEN TUDEHOPE:** The question and the interjection, while significantly inappropriate—

**The Hon. Adam Searle:** And answering it is disorderly.

**The Hon. DAMIEN TUDEHOPE:** And answering it is disorderly. A courtesy that is generally shown to the Government is that it is given notice of a bill. That would be done against a background of the Government having had sufficient time to consider its position in relation to the bill. None of that was done. The bill has been brought on in a week and there was no notice given to the Government that the bill would be subject to debate during this week. There was no notice that it would be on the *Notice Paper* today. There was not even a phone call to say, "I hope you are aware that we are going to bring the bill on this week".

I was criticised earlier because I did not seek to negotiate with Labor to agree on a scope of terms for calls for papers under Standing Order 52. There may well have been legitimate reasons the Government was not notified

but it is a simple matter to pick up the phone and say, "We are coming back next week. I hope you guys are in a position to be able to debate this bill and to form a Government position". None of that occurred. Yesterday evening the items of business to be transacted on private members' day were discussed. This bill is now before the House to be debated and a vote taken on it. It is a matter for Opposition members if they want to proceed on that basis. The Government is placed in the invidious position of having to deal with a bill which it has not had an opportunity to consider.

If Opposition members were fair dinkum and genuinely intend for the bill to pass into law, they would acknowledge that they need the Government's support in the other place and to get that support they need to work with the Government. Is that not the way we work here? If they were fair dinkum about passing the bill, they would tell the Government what they were proposing and they would indicate that they were seeking to make amendments and perhaps the Government could come to an agreement. The Opposition would traverse all those issues with the Government because they thought the bill had merit and should be supported. The bill before us has all the hallmarks of being a media stunt to get the attention of the media. We know that Labor are out there spruiking it.

**The Hon. John Graham:** I hope you are going to apply these principles to other bills?

**The Hon. DAMIEN TUDEHOPE:** It is okay. It is all part of the game that Labor wants to play. But it is a very bad practice not to work with the Government so that we can pass laws in this House that Labor says it wants to introduce for the benefit of the people of New South Wales. Labor has brought it on tonight. They will present a number of members to tell us how wonderful their bill is. Labor knows the Government has not got a position so it will use this time to try to rush its bill through this place. I move:

That this debate be now adjourned until the next sitting day.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The question is that this debate be now adjourned until the next sitting day.

**The House divided.**

Ayes .....17  
Noes .....23  
Majority.....6

**AYES**

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

**NOES**

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

**Motion negatived.**

**The Hon. MARK LATHAM (20:57:25):** One Nation supports the Roads Amendment (Toll-free Period) Bill 2020 in large part because it is the longest-standing public issue in which I have had an interest. My interest in taking tolls off the M5 and providing financial relief in south-west Sydney goes back to 1990. Even before that I wrote some of the policy for Bob Carr saying that he would have no tolls on the M5.

**The Hon. Shayne Mallard:** Labor didn't have them!

**The Hon. MARK LATHAM:** That went well, of course, for no period of time until Michael Knight worked out cashback. In fact, it was the only pro western Sydney policy that ever came out of Roseville, which itself was something of a miracle. So that had a chequered history.

**The Hon. Catherine Cusack:** Were you at the conference?

**The Hon. MARK LATHAM:** I was at the conference when it was announced. I was seated next to Anne Knight, who was party to it. Again, it was great to see Roseville backing in western Sydney—a magnificent achievement—and cashback was a stroke of genius from Michael, who of course was a very innovative campaigner. He turned his innovation skills to cashback and we still have that today. Well done Michael Knight, whose lasting legacy is being the member for Campbelltown-Roseville.

Beyond that, as the Mayor of Liverpool I campaigned very hard on two very important principles, which I am sure were supported by John Graham, particularly in the spirit of this legislation. One was the prevention of noise from construction of the new road and its impact on Hammondville. The other was cancelling the toll. The Greiner Government was imposing tolls on western Sydney while all the roads it was building in other parts of Sydney were toll free. Western Sydney copped it: The area with the lowest disposable income had the highest road costs. In those days it would have been nice to have had at a minimum a toll-free period as proposed in the bill before the House. We felt strongly about the toll-free period.

I remember vividly there was a fellow, a trade unionist—one might say he was an anarchist; certainly a radical—called John Treblecock, who lived in Hammondville. He had the idea that at the opening of the M5 when the Government was there—Greiner and co—behind the desultory noise barrier and we were on the other side in Hammondville, he would load up a cannon and fire it into the opening party, taking them right out. As a responsible mayor, I stepped in and said, "No, we are not going to do that. We are not going to go that far. We feel strongly about toll-free roads in western Sydney but we are not going to take direct action."

**The Hon. John Graham:** You were the moderate voice.

**The Hon. MARK LATHAM:** I was the voice of moderation, that is true. You might think it was feeble, but we came up with a compromise of getting a device that fires tennis balls at tennis players. We got that and we fired those balls over the fence with "No toll" written on them and thousands of them fell on Greiner and his mates. We did not kill anyone but hopefully we made our political protest as best we could. We were into direct action back then. If you cannot change the Government, change the nature of the opening of the road and make your point. We did all that and then, to take the story further, Liverpool council launched action in the Land and Environment Court over the absence of the noise barriers and the fact that people were being kept up at night. That action failed.

I remember that, as mayor, naturally I barrellled the judge who made the decision against us and Peter Collins in this Parliament—the then Attorney General—threatened me with contempt of court. So naturally I shut up and the issue moved on. But that action was quite colourful and quite sincere. All these years later, it is a very good reason to support the toll-free legislation put forward by the Hon. John Graham, whose work as the shadow Minister we very much admire. I believe this is good-quality policymaking on two fronts. Would you not think the Minister for Finance and Small Business would welcome the principle of very good customer service in opening a new road with a no-obligation trial period? Is that not a commercial principle that the Liberal Party would otherwise support: having three or four weeks of driving on the toll road to see whether it is worth subsequently paying a toll? Would you not think the Liberal Party would be into customer service?

Where is the Minister for Customer Service on this—digital Dominello? We need him to step in and apply those sound customer service principles. With a no-obligation trial period you might end up in the long run having more customers because people have had a go, they have had a look at the road, they think it is really worth it and they will pay their toll subsequently when the toll-free period ends. So the project is even more successful. I would have thought in future road contracts the Government could build in that principle—it could not be made retrospective, but for future toll roads there could be a three- or four-week period of grace when people get to use and test the road without expense and see whether it suits them.

The second compelling public policy argument is about road safety. I can attest that the first time I drove down the M5 sans cannonballs or tennis balls and the M8 was open, the M8 tunnel suddenly appeared at Beverly Hills. It was quite a shock and quite confusing. I have driven on the M5 many times—I catch the train more than I use the road but I must have gone down that road hundreds of times—and all of a sudden the tunnel to take you through to the M8 appeared seemingly out of nowhere. Drivers in front of me were confused by it and, wanting to dodge the tolls, were zig-zagging across. It was quite dangerous. I thought, "Bugger it, I will go through the M8 and see what it is like and where it takes me." It took me to St Peters, which I have to say is never really on my destination map. But I lobbed into St Peters and then worked my way out of it.

It is a beautifully constructed tunnel, but the road safety consequences of people trying to avoid the toll early on until they get used to it are quite severe. So it would be a tragedy indeed if this Government were to reject the legislation proposed by the Hon. John Graham and there is an accident—God forbid—in the future. I think it is a sensible road safety measure to say that drivers do not have to zig-zag away erratically from the new tunnel under the changed arrangements. They can go there and test it, cost free and safely, and find out whether the road will suit them into the future. Instead of disparaging the proposal, trying to guillotine debate and adjourn it, the Government would be well advised to accept that sometimes—it might be rarely—the Labor Party writes really good policy. This is one such occasion, and the shadow Minister should be congratulated. The bill has the support of One Nation; it takes me back to all those vivid memories of the Liverpool campaigns. It was not what we wanted back in the day, but it is something and it should be supported.

**The Hon. MICK VEITCH (21:04:23):** I support the Roads Amendment (Toll-free Period) Bill 2020 introduced by my colleague the Hon. John Graham. A moment ago the Hon. Mark Latham provided us with a wonderful piece of history, but I think we should look at some of the history around tolls in general because they have been around since we landed in here and tried to colonise the joint. They are not new to Sydney. The first tollway was a bridge that was constructed just short of 222 years ago over South Creek at Windsor. In 1811 a toll was put on 16 miles of the Hawkesbury Road with turnpikes. It is clear that Sydney has had tolls for quite some time. I do wonder of course, having listened to the Hon. Mark Latham, at that time back in 1811—

**The Hon. Mark Latham:** Yeah, I opposed those, too.

**The Hon. MICK VEITCH:** I will acknowledge that interjection.

**The Hon. Mark Latham:** We had a cannon but not the—

**The Hon. MICK VEITCH:** I wonder whether they would have used the canon back then and what that would have looked like. Toll collection has been around for a while. If we come back to modern times, all this is about is creating a toll-free period, which makes a lot of sense because people need to change their driving habits around the road configurations that these new constructions put in place. I saw some footage on Channel 9 news about WestConnex and the opening of the tunnel, which showed a car reversing out of the tunnel once they realised where they were. It is pretty dangerous and irresponsible driving. The idea behind a toll-free period is that people actually get used to the new arrangements—new lanes and new signs—and they can make some choices about whether they like those arrangements. They might want to try to use somewhere else. They may not like the toll road. They could go somewhere else.

You could change the route, except if you are going to go down NorthConnex. My brother, a truck driver, and my brother-in-law, a truck driver, tell me that they are actually being forced down on to NorthConnex if they come from north of Sydney and they are not too happy about that. I would suggest that a toll-free period for NorthConnex would be a very important public policy position for this House to take. I hope that in his speech in reply the Hon. John Graham will talk about the impact of this bill on the NorthConnex opening because I think it would be critical. Country people come into the city and sometimes there are tolls. A recent toll was placed on a stretch of the M5, which previously did not have a toll. A lot of people are now suddenly being pinged with the beep as they go through a stretch of road that previously did not have a toll. It is an existing road; it is not part of the new construction.

**The Hon. Damien Tudehope:** Where's this?

**The Hon. MICK VEITCH:** It is the M5. It is a bit of an interesting thing. But country people do not drive on these roads all the time. They might come into the city once a month, or once every couple of months. This is the sort of thing that they do not know about. A toll-free period makes a lot of sense. Three or four weeks at the start of a process for a new road makes a lot of sense for a lot of reasons. People get to know the arrangements and purely from a road safety perspective we should be doing this. This is a good piece of legislation. It is a good position for the House to take. I urge all honourable members to support the legislation.

**The Hon. TAYLOR MARTIN (21:08:45):** I note the Minister's remarks on the Roads Amendment (Toll-free Period) Bill 2020 and to no-one's surprise I will agree with those remarks. This is one of two bills that is up for debate tonight that has not had the opportunity to go through the joint party rooms of both governing parties. I would like to carry on with the Hon. John Graham's characterisation of Sydney being in toll mania. As someone from the Central Coast experiencing the effects of NorthConnex mania, I refer to the toll mania of the roads built by the previous Labor Government. When the member opposite talks about toll mania, perhaps he is referring to the Lane Cove Tunnel, which has a toll of \$3.43. That tunnel is 3.6 kilometres long, so the toll works out to be 95c per kilometre—a rate higher than the proposed NorthConnex toll. Perhaps he is talking about the 2.1-kilometre Cross City Tunnel, which has a toll of \$5.90, or \$2.80 per kilometre. If NorthConnex was charged at that rate per kilometre, the toll would be \$25 for a car. The toll mania of toll manias is the Military Road

off-ramp. At 200 metres long, it has a toll of \$1.71, which is \$8.55 per kilometre. At that rate, a trip on NorthConnex would cost more than a tank of petrol.

Debate on the Roads Amendment (Toll-free Period) Bill gives me the opportunity to talk about motorway projects that this Government has built, is building and will build. In normal times more than 30,000 people travel between the Central Coast and Sydney or Newcastle for work. I am one of those people. For many people, NorthConnex will be an absolute game changer. The problem of Pennant Hills Road is all too familiar to them. At peak hour on a good day it can take half an hour to drive eight kilometres from the end of the F3 Freeway to the M2 Motorway or vice versa. On a bad day, particularly on a Friday before a long weekend, it can take well over an hour. NorthConnex will be an incredible time-saver, especially for tradies who make the trek to Sydney at 6.00 a.m. every day in their utes with their tools in the back.

NorthConnex will have a transformative effect, similar to the effect of the 1889 Hawkesbury River railway bridge, which was the final link in a railway between the Central Coast, Newcastle and Sydney. In fact, it was the last link between Melbourne and Brisbane. NorthConnex is the last link allowing traffic-light free travel from Newcastle to Melbourne. Since 1929 various versions of NorthConnex have been imagined. Land was reserved to build it, but was sold in 1996. In 1996 *Hansard* records that the then Carr Government's Minister for State and Regional Development, Mr Michael Egan, representing the then roads, Minister Michael Knight, was asked:

What are the Government's intentions for the existing road corridor that was proposed as the future link between the M2 Motorway and the Sydney to Newcastle Freeway?

In 1996 that road was known as the F3. He responded:

I am pleased to advise the House that the Government will abandon the ... road corridor.

...

Building the road was never on the Government's agenda ...

He was right. The Labor Party had no intention of building NorthConnex for the people of the Central Coast or the Hunter. The wait for NorthConnex is almost over. It is only weeks from opening. The tunnel is being built to an incredibly high standard. Initially it will open with two lanes in each direction. However, it is wide enough to have three lanes in each direction to cater for future motorists. It is taller than other tunnels in New South Wales so that larger trucks can be taken off local roads. As the Hon. Catherine Cusack mentioned earlier, that is the point.

The tunnel has been built on a much lower gradient than any other tunnel in New South Wales. Consequently, cars and trucks will require less energy to drive in and out of it, which will create less pollution. Compare that to the M5 East of which the Hon. John Graham spoke proudly in his contribution to this debate. He speaks of it much more fondly than regular users of that road do. The M5 East had only two lanes and was out of date almost as soon as it opened. At only 4.4 metres high, some trucks could not use it. Arguably worst of all, the tunnel was so steep that the trucks that could fit used so much power to exit the tunnel that it was constantly filled with exhaust emissions.

Finally, for regular users of motorways in Sydney and for those who will be regular users of new roads like NorthConnex, this Government already offers half-price or free registration. Since July last year drivers who spend \$15 or more per week on tolls have been eligible for half-price registration fees. Drivers who spend \$25 or more per week on tolls will continue to receive free registration each year. In addition, families with more than one vehicle registered to an account can pool their total spend to qualify for half price or free registration. I know that on the Central Coast and in the Hunter, the prospect of half price or free registration is a much more useful benefit for regular road users than for the people who will use NorthConnex. It is a much stronger cure for NorthConnex mania than the suggestion put forward by Labor's shadow Minister, which is a serendipitous, hodgepodge display of opportunism. Should this House pass the bill, fortunately Government members in the other House will consider and deal with it in an appropriate fashion.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** There has been toing and froing from both sides of the House that has been in good spirits, so I have allowed it to continue. We are now in the home straight of a long day and I ask that members concentrate and focus on the debate.

**Ms ABIGAIL BOYD (21:15:13):** On behalf of The Greens, I contribute to debate on the Roads Amendment (Toll-free Period) Bill 2020. In New South Wales you can hardly move without being charged for it. Unless you are lucky enough to live close by to accessible public transport, your trip to work is likely to involve driving on at least one toll road. If you want to drive into the city from the Central Coast, for example—a journey a great many Central Coast residents will make by car given the lack of easy public transport connections from the coast—you will pay over \$20 in tolls both ways. You can add an extra \$15 or so once the new NorthConnex opens.

Given the poor state of public transport on the Central Coast, which can add over an hour each way to your commute depending on where you live, many people have no choice but to spend a huge chunk of their family income on toll roads. There are a great many people in this State in this position: unable to easily access public transport and instead being forced to drive. There can be good policy reasons for introducing certain tolls on public roads. Top among them is to encourage more people to catch public transport to get more cars off the roads, coupled with investment in our public transport system so people can get where they need to go easily, quickly and comfortably. A toll on roads can reduce congestion and curb harmful emissions. Tolls can also be used as a form of wealth redistribution where those able to afford the tolls are paying, effectively, an additional levy that can be used by the Government for reinvestment in other transport infrastructure for wider use by everyone.

Given the new technologies available for collecting tolls you can envisage the use of quite sophisticated tolling systems by a government, tolling progressively to ensure that those on low incomes who are forced to use the road are paying lower tolls than those on higher incomes or those who live in areas with ready access to public transport. Whether as an incentive to change behaviour or as a way of raising funds to use on other worthwhile projects, toll systems can be a useful lever for a State Government and do not necessarily have to create inequities. However—and this is a very large "however"—traditional road pricing theories simply do not apply when it is a private company and not the State that is collecting the toll. In that situation the Government is constrained because relieving the burden on road users means effectively redirecting funds to private corporations.

Not only can our Government not redirect the tolls raised on our roads towards other infrastructure projects that benefit everyone in the State, but also every action by our Government to alleviate the burden on poorer families has the nasty side effect of helping the profits of private road operators. Tolls, per se, are not the problem; the privatisation of our major infrastructure projects is. The fact that road users in New South Wales are forced to pay more and more of their money on toll roads is a symptom of a much more serious and concerning disease: the privatisation of State assets. The result of privatisation is a self-inflicted inability of our Government to provide relief to the people of this State when they need it without, at the same time, sacrificing scarce State revenue to line the pockets of private companies.

WestConnex, the latest in a long line of privatised toll roads in Sydney, is perhaps the best example of the insidious obsession with privatisation by successive governments and the impact it has had on the commuters forced onto those roads. According to Christopher Standen, a transport analyst with University of Sydney, that toll road has cost taxpayers in excess of \$23 billion. He states that it is "the biggest misuse of public funds for corporate gain in Australia's history." The New South Wales Government sold off half of WestConnex to Transurban for a paltry \$9.3 billion, which happens to be one of its largest corporate donors. Included in the sale was not only WestConnex but also the M4, M5 East and M5 South-West. Those roads were toll free and publicly owned but because of the New South Wales Liberal Party's obsession with privatisation commuters travelling on those roads now have to spend annually up to \$2,400 to use the M4 or up to \$3,100 to use the M5. A great many people who cannot afford to pay that will be forced back onto congested roads.

The New South Wales Government has actively worked to reduce the capacity of congested roads in an effort to force residents onto private toll roads. WestConnex is not the only example of this, but it is the latest and clearest sign that the New South Wales Coalition's obsession with privatising essential public infrastructure costs billions of dollars. That money could be much better spent constructing public transport, which takes cars off roads, and gets people where they need to go when they need to get there. This well-meaning bill from the Hon. John Graham seeks to relieve the pressure on commuters of the increasing burden of tolls on private roads across this State. With the greatest respect, it completely misses the point.

It is not enough to simply oppose future privatisation. Successive Labor and Liberal governments have made mistakes. They have sold all the furniture from our house and now we have nothing to sit on. Until we fix those mistakes, bills like this will make little to no difference to the bottom line of households across the State. We need to reverse the privatisations and return those assets to public hands for the good of the people of New South Wales and for future generations. Assuming the bill makes it through the lower House, it may make some small improvement to people using toll roads for a short period, depending on how it is implemented by the Government of the day. But it is just as likely that it will make the situation slightly worse for the people of New South Wales in the long run.

A holiday from a toll on a privatised road is like a try-before-you-buy marketing scheme delivered on behalf of the toll road operator. It could have the unfortunate effect of encouraging people to use toll roads when they would otherwise use public transport due to the comparatively lower cost. Once people give up commuting by public transport and get into their cars, it is very difficult to get them back onto public transport. Who would benefit from habits being changed in favour of using toll roads? Again, it is the private operators of those toll roads. The bill will create more money moving from the State to private toll operators as compensation. That leaves less money to fund essential public services and frontline community organisations, which are desperately

underfunded and overworked during this pandemic. We are in a messy situation. The Government's ability to use tolls for the public good has been sacrificed through the privatisation of our roads. The bill is not exciting, but it might make a good headline. It might also make some people across the State feel they are being listened to when they complain, quite reasonably, that far too much of their income goes to private toll operators. The Greens will not oppose the bill.

**The Hon. JOHN GRAHAM (21:22:48):** In reply: I thank all members for their contributions to debate on the bill and for the tone in which debate has been conducted. I start with the contribution from the Leader of the House. I did not expect in the course of the debate to upset the Leader of the House more than my colleague the Hon. Daniel Mookhey, but it appears that has happened. He must have deeply enjoyed the Victory in the Pacific motion because in bringing forward the bill he has accused me of some sort of surprise attack. I say to the Leader of the House, this is no Pearl Harbor—it has been coming for quite some time. On 5 August I announced in my second reading speech that the Opposition would like the bill in place ahead of the opening of NorthConnex. That is weeks away, so there is a rush. This is not a media or publicity rush; this is an attempt to have this public policy measure in place ahead of the opening of NorthConnex. It is important for safety reasons, which I will return to.

The bill is about sending a message to the community and seeks to strike a blow against toll mania. The Hon. Taylor Martin suggested that the toll mania was mine but he should be fair to the Premier. The Premier has really branded this approach and I do not want to steal her thunder. I think she got this one right. I want to be clear that the Opposition is not opposing tolls. To do that would be hypocritical, as Ms Abigail Boyd noted in her contribution to the debate. We are not opposing tolls; we are opposing toll mania. That is how it feels if you are an ordinary driver at the moment in Sydney.

I will refer to the elements we are opposing. We oppose the 4 per cent annual increase above inflation and above wages. Inflation is negative at the moment yet the tolls go up 4 per cent a year. We oppose new tolls on old roads. People have been driving the M5 and the M5 East for 20 years. They paid for it at the time and now they are paying again. That is toll mania. We oppose the fact that there is no alternative. On this new toll road at NorthConnex, for truck drivers and small businesses the choice is to pay a toll or pay a fine. That is toll mania. There is no toll-free period. A toll-free period used to be the practice. The Government was elected in 2011 promising to back the Richmond review. It promised to back the principle of toll-free periods, not just because it is fairer but because it is safer. That is what the Government campaigned on and was elected on. That is the principle we seek to drive through with the bill.

A number of speakers spoke to the issue of the M5, none more so than the Hon. Mark Latham. It has driven a lot of community concern. It is an old road with a new toll on it and the cost is more than \$3,000 per year. Drivers have been using it for free. A driver might have driven on this road for free for over 20 years and now all of a sudden it costs on average more than \$3,000 a year to get into the city and back. Trucks and cars avoiding the toll are flooding off the toll road onto suburban streets. For a driver on Forest Road it feels like going back in time 20 years before the M5 East existed. Trucks and cars are now on those roads and are bringing traffic to a standstill. The traffic modelling predicted this is how it would unfold and that is what is happening. The road was paid for when it was opened and with this toll the public is being asked to pay 15 times more. We object in principle to the idea of putting a new toll on an old road. Once that principle is breached, a toll could come to any road in Sydney. That is toll mania.

Opposing tolls is not the Opposition's policy. We are opposing the Premier's toll mania. Equally, I put to the House that this is a very balanced bill. It is a modest bill because it does not direct Executive Government. We are just seeking to set out the principle that there should be a toll-free period. We are not trying to dictate to the Minister the length of the period. We are not trying to tell the Minister what the compensation arrangements are, although we offer some options. These are matters for Executive Government and should not be determined by the Parliament. We are leaving the Minister's hands free. But the principle is important. It is a modest bill and we do not apologise for that. This is the Premier's toll mania. She struck a nerve when she made that call. That is how it feels for an ordinary driver in Sydney. The Premier knew that and knew what the public reaction would be. That is why when the M8, a \$4.3 billion piece of public infrastructure, was opened on 4 July the Premier of the State was not there to cut the ribbon. As I said in my second reading speech, can you imagine Bob Carr not turning up to an event like that? Bob would have been down there with a musical soundtrack—he might have had the entire cast and crew of *Chicago* with him. He certainly would have turned up, as would any Premier in the past.

That was a real signal to me about what the public mood is. The Premier called it right: There is real community concern about current toll levels across Sydney. This bill seeks to strike a blow against toll mania and to do so ahead of NorthConnex opening—not after because that would be no use to the public. It could be just a signal to the public but for Central Coast commuters—and I acknowledge the Hon. Taylor Martin's contribution to the debate—it could mean a saving of \$320 in the first month of the toll-free period. That would be money in

the hands of Central Coast commuters that they could use in a pandemic and in a recession. That is what this bill offers them, and no-one in this House should be looking sideways at that because I guarantee it will be welcome on the Central Coast.

Why is the Opposition in a hurry with this bill? Why do we want it in place ahead of NorthConnex? As I said before, truck drivers have a choice. NorthConnex is the first time that there is no alternative free road. So truck drivers can either pay a toll and use the tunnel or pay a fine and drive on the surface road. In my second reading speech I detailed the sort of driver behaviour we saw when the M4 tunnel opened. When the M8 tunnel opened I saw, as did other members, drivers changing lanes—last-minute dodging and swerving—and traffic chaos. The worst result, with this new, innovative change in policy for truck tolls, is we see that sort of behaviour from truck drivers when NorthConnex opens.

I agree with the Hon. Taylor Martin: NorthConnex is a game changer. As someone who grew up in Newcastle, I cannot wait to drive it. It will make a difference to those communities. I acknowledge that this is a popular road and we support it, but we support a toll-free period when it opens. It would be a \$320 bonus for communities on the Central Coast, the Hunter and anyone who has to drive along this road. But, more importantly, it will be safer for trucks driving into the tunnel when it opens. I welcome the fact that the Government has been up-front that it has no party room position on this bill. If this bill passes tonight I call on members of the lower House to rise up in the Government party room, roll the Minister's position and support a toll-free period because we want it in place ahead of NorthConnex.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** The question is that this bill be now read a second time.

**The House divided.**

Ayes .....23  
Noes .....17  
Majority.....6

**AYES**

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

**NOES**

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

**Motion agreed to.**

**Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

*Documents*

**NSW BUSHFIRE INQUIRY**

**Production of Documents: Order**

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

That private members' business item No. 666 be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (21:43:08):** I seek leave to amend private members' business item No. 666 by omitting "7 days" and inserting instead "14 days".

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House, within 14 days of the date of passing of this resolution, in electronic format if possible, the following documents, in the possession, custody or control of the Department of Premier and Cabinet, Department of Planning, Industry and Investment, Department of Health, Department of Education, Department of Customer Service, The Treasury, Department of Communities and Justice, Fire and Rescue NSW, NSW Rural Fire Service, Forestry NSW or Department of Transport relating to bushfire inquiries:

- (a) all draft and final submissions to the NSW Bushfire Inquiry;
- (b) all draft and final submissions to the Royal Commission into National Natural Disaster Arrangements;
- (c) all documents containing legal or other external support relating to drafting submissions to the NSW Bushfire Inquiry or the to the Royal Commission in National Natural Disaster Arrangements; 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 Opposition seeks to have produced all government draft and final submissions and other ancillary documents to both the NSW Bushfire Inquiry and to the Royal Commission into National Natural Disaster Arrangements. This is important because we are about to enter bushfire season. Everybody remembers the terrible bushfire season that we endured late last year and early this year and earnestly hopes that there is not a repeat. It is heartening that when the Government belatedly released the report yesterday, after having held it for a number of weeks, there was an indication that the Government was going to accept all 76 recommendations. But what is missing is some of the important inputs into the final report. What was it that the Government or its agencies had to say about the really important issues that the inquiry had to engage with? Of course, that is also the case in relation to the Commonwealth Royal Commission into National Natural Disaster Arrangements.

All of the issues are interrelated. They are extremely important in relation to public safety. As a community we need to come to grips with the awful reality of climate change and its effects on our society. It is vital that we not only have a discussion about the recommendations of the inquiries—as important as they are—but also see what the New South Wales Government, through its various agencies, had to say about those issues. We need to be able to evaluate those inputs and see what the assumptions were that went before and helped to influence the outcome of those important inquiries. It is in the nature of seeking greater transparency and openness in public administration that we seek these documents. Understanding that there may well be some significant amount of documentation, I am happy to agree to a 100 per cent increase in the time frame available to permit the Government to produce the documents to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:46:44):** The Government will oppose the motion. The House is aware that the Government engaged the former Deputy Commissioner of the NSW Police Force, Mr Dave Owens, and the chair of the Independent Planning Commission and former NSW Chief Scientist & Engineer, Professor Mary O'Kane, to lead a six-month independent inquiry into the bushfires. Labor's call today for submissions from Government departments speaks to a lack of faith in the inquiry process and the 76 recommendations that have been made. This is Labor trying to play politics and poke holes in the findings of the inquiry. One would not think Labor would do that! But it goes further than that, because Labor seeks documents from each of the 11 departments that made submissions. Not only does Labor seek the actual submissions that were made but it also seeks drafts and other documents relating to the departments coming to their position on the final submissions.

Everyone in this place knows that in getting to a final position on making a submission, various people within a department may have ideas. They all then come to a concluded position in relation to the final submission that is made. So the actual positions of the individual departments are contained in the final submission. If there was good faith in relation to this, Labor would be seeking only the final submission rather than seeking other documentation which might have been prepared by way of drafts, earlier ideas and the like. We know this because if we go to each of the individual departments we separate the departments from each other and potentially create conflicts.

If Labor was entirely transparent about this it would go straight to the Department of Premier and Cabinet, because that is where all the documents are held, and ask it to produce all the final submissions. That would be the documents which would be produced; but, no, Labor wants draft documents and any other submissions that

were made in relation to the compilation of those final submissions. I welcome that the Leader of the Opposition has amended this to a 14-day period. The Government opposes the motion on the basis that in many respects it is a fishing expedition designed to play politics— [*Time expired.*]

**Mr DAVID SHOEBRIDGE (21:49:59):** The remarkable thing about this Standing Order 52 request is that it has to be heard. These submissions have come from Government departments that have been provided to an independent body to produce a report. The thought that we have to move a motion under Standing Order 52 to get the Government to publish the submissions of key Government departments to an independent inquiry is absolutely remarkable. Maybe this motion would never have been moved if the Government, for once, had stuck to the principles of transparency and proactively produced the submissions that it gave to the independent inquiry.

This is a cult of secrecy of the Government. It cannot proactively produce anything for any kind of public transparency. It refuses to produce anything in the public domain. Once again members are forced to move a motion under Standing Order 52 to use the powers of this House to compel the Government to do what it should have done in the first place, which is publish the submissions. We are talking about submissions to a royal commission into national natural disaster arrangements. Those submissions should already be on the public record. We are talking about submissions to the NSW Bushfire Inquiry from Fire and Rescue NSW, the NSW Rural Fire Service, the Forestry Corporation of NSW and Health. Why are we even having this fight? If the Government had any kind of commitment to transparency it would have already published those submissions.

After that bad faith initial step by the Government of publishing nothing at all, it is disingenuous to say now that the scope is too broad and that it wants it narrowed. It is disingenuous to say, "Oh, no, suddenly we have a commitment. You should only ask for the final drafts." Of course people are now quite sceptical about what has gone on if the Government never had the courage to publish the final submissions in the first place. If detailed studies are underpinning those submissions, they too should be produced. Any expert report that underpins the submissions should also be produced. If it is limited to just the terms proposed by the Leader of the House, we would not get that. I ask the Government to do itself a favour: Have some transparency and publish things in the first place and it will not have all those Standing Order 52 requests.

**The Hon. MARK LATHAM (21:52:56):** It is well known that One Nation is naturally sceptical about Standing Order 52s and does not like the idea of the Chamber becoming an FOI factory. But in a clear case where public transparency does no harm and is in the public interest, such as submissions to a public inquiry on a major question of public concern such as the bushfires, it is pretty simple: The Leader of the House should publish them, put them on a web site and let people read them.

**The Hon. MATTHEW MASON-COX (21:53:38):** Reluctantly I will respond to this matter. I can see where Mr David Shoebridge and other members are coming from. I particularly object to the words "or draft" in paragraphs (a) and (b). As members know, the drafts of submissions go through a number of iterations. At the end of the day, depending where the document starts out, some departments could have a number of iterations of a document which reflects nothing but various views which are then collated by the department into a final submission that reflects their view. It is not the practice of this place to call for drafts of submissions. That is an inappropriate stretch of the power to call for papers under Standing Order 52. I move:

That the motion be amended by omitting "draft and" in paragraphs (a) and (b).

**The Hon. SHAYNE MALLARD (21:55:00):** I oppose the motion. It is disappointing but, yet again, unsurprising to see the Opposition looking backward while our Government looks forward. We propose to implement the NSW Bushfire Inquiry recommendations. The Opposition is going on a fishing expedition into the past to dredge up more media stories for its hungry media machine. The NSW Bushfire Inquiry has made its recommendations. Instead of grappling with those, Labor seeks to go on a fishing expedition for submissions. The Government has faith in the process. I place on record the Government's gratitude to Mr Dave Owens, APM, and Professor Mary O'Kane, AC, for their efforts in leading the inquiry. As a resident of the Blue Mountains, I participated in the inquiry online. Members are aware that the bushfires had a direct impact on my property and that I am a member of my local Community Fire Unit.

The NSW Bushfire Inquiry took place over six months, received close to 2,000 submissions and held many meetings with members of communities affected by the dreadful fires, agency representatives and other interested parties. I commend Mr Owens and Professor O'Kane for their ability to synthesise so much complex information with such grace. Their report and its recommendations will be crucial in informing us now and into the future as we work to protect communities across the State from the threat that resides in the DNA of the land we call home, particularly the Blue Mountains, where I live.

The Government has accepted all 76 of the inquiry's recommendations. As we speak, the emergency services Minister is working tirelessly through their implementation. In particular, the report recommends initial aerial dispatch for the early extinguishment of dangerous fires in high-risk areas. I support that recommendation.

During the fires in December and January I saw that strategy in action. In welcoming the recommendation, I note that the Government has invested heavily already in enabling our fire agencies to undertake aerial firefighting. Internationally, New South Wales is the first jurisdiction to own a large air tanker, the *Marie Bashir*. Four days after being commissioned, it was deployed on its first mission. It flew over my house and dropped retardant on the Ruined Castle fire at Katoomba. It was amazing to watch. During the fire season we saw the impact of the *Marie Bashir* on Port Macquarie's Lindfield Park Road fire, where the houses were covered in retardant. During the 2019-20 bushfire season the NSW Rural Fire Service had a record four large air tankers, including very large air tankers.

**Mr David Shoebridge:** Not relevant.

**The Hon. SHAYNE MALLARD:** It is a recommendation made by the inquiry. I repeat that Labor's motion calling for papers under Standing Order 52 is a fishing expedition. The "member for Bullaburra" should know better. He is trying to dredge up news stories. It is a waste of resources. The Government has accepted the inquiry's 76 recommendations. Let us move on and prepare our State for the bushfire season that may be coming.

**The Hon. MARK PEARSON (21:58:13):** The bushfires have been a crisis, a disaster and a horrific and terrifying experience for many thousands of people in New South Wales and millions of animals. Property has been lost. The people of New South Wales have a right to see and understand all submissions put to Government so they can grapple with, and get their heads around, what happened. It is great that the Government has agreed to implement all the inquiry's recommendations. However, we must understand forensically the story leading up to that dreadful disaster and what we must do to stop it from happening again. We cannot do that just by accepting recommendations. We must trawl through it and understand it because it has been one of the worst disasters that the New South Wales people, environment and animals have ever faced. For those reasons the Animal Justice Party supports the call for papers.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

**The House continued to sit.**

**The Hon. ADAM SEARLE (21:59:51):** In reply: I thank all honourable members who made a contribution. Briefly, taking the point of the amendment, the Opposition does not accept the amendment moved by the Hon. Matthew Mason-Cox because the Government chose not to put its submissions in the public domain in the first place. We do want to see the different iterations and the thought process behind those different versions to understand how the Government reached its final position. Obviously, it is open to the Government to claim privilege on some or all of these documents. I am sure it will do so anyway. Let us see what the information is so that we can properly evaluate it.

**The PRESIDENT:** The Hon. Adam Searle has moved a motion, to which the Hon. Matthew Mason-Cox has moved an amendment. The question is that the amendment to the motion be agreed to.

**The House divided.**

Ayes .....19  
Noes .....21  
Majority.....2

AYES

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

NOES

Banasiak	Borsak	Boyd
Buttigieg (teller)	D'Adam (teller)	Donnelly
Faehrmann	Field	Graham
Houssos	Hurst	Jackson
Mookhey	Moriarty	Pearson

## NOES

Primrose  
Sharpe

Searle  
Shoebridge

Secord  
Veitch

**Amendment negatived.**

**The PRESIDENT:** The question is that the motion of the Hon. Adam Searle be agreed to.

**Motion agreed to.**

*Motions***DR CLIVE MARKS**

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

That private members' business item No. 647 be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK PEARSON (22:11:20):** I move:

- (1) That this House congratulates the Australian academic Dr Clive Marks for his research conducted at the University of Auckland where he successfully developed techniques that replace lethal animal bioassays:
  - (a) by using new non-lethal and in-vitro methods; and
  - (b) which has the potential to greatly accelerate research and development towards a more humane management of introduced animals.
- (2) That this House acknowledges the importance of Dr Marks' previous work:
  - (a) as the head of the Victorian Government's Vertebrate Pest Research Department;
  - (b) where he has published widely on aspects of fox biology and control in independently peer reviewed science journals; and
  - (c) including successful major research on the prevention of extreme distress and pain of 1080 (Sodium fluoroacetate):
    - (i) by the addition of analgesic and sedative compounds to the outer coating of bait despite criticism and rejection of the method by fellow researchers;
    - (ii) which provided the mechanism for reducing egregious harm to baited animals; and
    - (iii) which acknowledged that "introduced" wild animals suffer pain just as much as native wildlife.
- (3) That this House commends Dr Marks for writing his thought-provoking article "Killing Schrödinger's Feral Cat", published in the *Animal Studies Journal*, Volume 2 (2), 2013, which questions the ethics of animal research that causes prolonged suffering and an excruciating death for its animal subjects.

A few weeks ago I stood in the Chamber and asked the House to accept a motion that congratulated Australian academic Dr Clive Marks on his research into developing more humane methods of managing introduced animals. I called upon the House to acknowledge Dr Marks' previous work, including his successful major research on the prevention of extreme pain caused by 1080 poisoning. I asked that the House commend Dr Marks' thought-provoking article "Killing Schrödinger's Feral Cat", which questions the ethics of animal research that causes prolonged suffering and an excruciating death for its animal subjects.

The Government objected to my motion. Though critical of its decision, I am not surprised. I am grateful to bring the matter to debate. I welcome the opportunity I now have to publicly dissect the New South Wales Government's reasons for opposing my humble motion to commend the work of an Australian researcher who has dedicated his career to reducing the suffering of animals. I do not know why the Government objected to my motion but, in looking more closely at it, I can hazard a guess. Putting aside congratulating Dr Marks' work, simply acknowledging his research sets the precedent that things can be done differently. We do not have to kill in the name of conservation, yet we continue to do so with reckless abandon in New South Wales.

Sodium fluoroacetate, commonly known as 1080, is our weapon of choice. It is a slow killer that is banned in most countries. It is still used liberally throughout Australia to kill so-called pest species who dare exist on private or public land. In New South Wales 1080 is used to kill mostly rabbits, foxes, dingoes and pigs. It takes 44 hours for herbivores who have ingested 1080 to die. It takes carnivores up to 21 hours to die and both endure a horrifically painful death. It is a cat's lingering death that Dr Marks details in "Killing Schrödinger's Feral Cat". It describes the minute-by-minute suffering of animals poisoned by 1080 and the mental anguish of the researchers tasked with recording the animals' death. Dr Marks once worked at the head of the Victorian Government's vertebrate pest research department where he published widely on aspects of biology and control, including

successful major research on the prevention of the extreme pain caused by 1080 poisoning through the use of analgesics and sedative compounds added to the outer coating of the bait.

Dr Marks was often criticised and rejected by his fellow Australian researchers for the bleeding heart approach to the science of killing and eventually had to relocate overseas just to continue his work. At the University of Auckland, he successfully developed techniques to replace lethal animal biases by using new non-lethal in vitro methods. In this systematic, academic and political rejection of innovation and ethics in science—something Australia wants to be known for—from a personal, emotional and social perspective it is bewildering to reject the work of someone committed to reducing animal suffering. From a political perspective, in the case of this Government, it seems expected.

So we arrive at a simple question: Why does this Government insist on walking blindfolded into the future, clinging tightly to antiquated methods of conservation that mandate extreme animal suffering? We cannot move towards humane methods of conservation if our minds are not open to the possibility of new solutions. It is appalling that New South Wales is so far behind that our Government cannot even acknowledge the groundbreaking work of a scientist who has risked his reputation to break the mould of Australia's lethal status quo of conservation. I urge the conservation sector to move towards more humane methods of animal control. As a show of solidarity to Dr Clive Marks and every New South Wales resident who stands with him, I urge this House to support my motion commending the work of Dr Clive Marks.

**The Hon. MICK VEITCH (22:16:35):** I speak on the Hon. Mark Pearson's private member's business item No. 647 relating to Dr Clive Marks. The Opposition will move an amendment to the motion before the House relating to the last paragraph where it says, "That this House commends Dr Marks for writing his thought-provoking article". I suggest there are a number of members of this House who will not have read *Killing Schrödinger's Feral Cat*—

**The Hon. Walt Secord:** I have not.

**The Hon. MICK VEITCH:** It would be a dangerous thing for the House to pass a motion commending an article that members had not read. The amendment will remove those words, inserting instead that "this House notes the report" to provide a degree of comfort for the House around the wording of the motion. During my research for this motion, I looked at the work Dr Marks has been doing around 1080 poison and there is merit in the way he talks about that poison. "Administered" probably would be an interesting word to describe how the poison is being used. He highlights ways that we could better manage the humane treatment of pests in our eradication programs because there are some pretty old ways. I am certain the Shooters, Fishers and Farmers Party has views about 1080 poison that they may put on the record at some stage—actually I stand corrected because it has put them on the record previously. The Opposition will support the motion if our amendment is accepted. I move:

That the motion be amended by omitting in paragraph (3) the words "commends Dr Marks for writing his thought-provoking article" and inserting instead "notes the article".

**The Hon. SAM FARRAWAY (22:19:12):** Dr Clive Marks is indeed a well-known researcher and has published in many peer-reviewed journals. We do a huge volume of valuable research here in New South Wales. We do this because pest vertebrates have the ability to decimate native and stock animals. Many of our native animals are found nowhere else in the world. For example, the number one predator for koalas is wild dogs. Some of the work published by Dr Marks considers how pest management is carried out and his very personal reaction to it. With respect to Dr Marks, the discomfort around pest control is nothing compared to the devastation of seeing a native or stock animal torn to pieces by a feral cat, fox or wild dog.

For the benefit of members I will outline some of the things feral animals do to helpless stock and native animals. Foxes and wild dogs have been known to attack female sheep giving birth, ripping the heads off lambs while they are being born. It is an image that never leaves anyone who has ever actually seen it. Wild dogs often continue to hunt once they have eaten their fill and rip the stomachs of sheep to pieces as they flee. Dogs can literally gut up to 40 or 50 sheep in a single night. Wild dogs will attack calves, ripping them to pieces slowly while their mothers attempt to chase the dogs off. Wild dogs have been caught on Local Land Services cameras hunting in a pack and wearing down a wallaby before ultimately overwhelming the animal. The impact of wild dogs on koalas is even more extreme. A koala has almost no hope against even a juvenile dog and is more at risk in the breeding season.

We control these feral pests with the methods we use to prevent this carnage. The 1080 poison is a critical tool used in this fight to protect both native and stock animals from the destruction that feral pests cause. It is a naturally occurring compound found in about 40 Australian native plants, a compound to which many Australian native animals have developed a natural tolerance. This factor is key to ensuring targeted control. Researchers make a valuable contribution to the broader scope of controlling animals and how we do this well into the future.

However, let us not forget that the risks posed by feral vertebrates are happening to vulnerable animals right now and it is our job to protect them from this threat. With that said, the Government will support Labor's amendment.

**Ms CATE FAEHRMANN (22:21:56):** I had not come across the work of Dr Clive Marks until preparing notes for this speech and coming to a position as to how The Greens would support this motion. His area of expertise appears to be the humane treatment of animals, which is certainly something The Greens party has been a strong supporter of since its inception. The Greens also support new developments from the science and technology community such as those presented in the work of Dr Marks to address the devastating impact that invasive species are having on our precious native wildlife, including many threatened species and endangered ecological communities.

Protection of our native plants and animals from invasive species is an increasingly urgent problem, and feral animals pose one of the greatest threats. Many feral, non-native invasive animals destroy plants and habitat, prey on our most vulnerable species populations and have already caused the extinction of many native birds and animals. *New Scientist* estimates that cats kill two billion animals annually in Australia and have been responsible for two-thirds of our mammal extinctions over the last 200 years. The red fox has been linked to regional extinctions of four species of ground-nesting birds from western New South Wales and the decline of seven others. Meanwhile, herbivores—such as rabbits, deer, goats, foxes and horses—are ripping through sensitive natural areas and exacerbating habitat competition in bushfire-ravaged areas.

Earlier this month the Invasive Species Council released a report entitled *1080: A Weighty Ethical Issue*. It was authored by biochemist and invasive species expert Dr Carol Booth. It found that the use of 1080 has been essential in enabling the survival and recovery of many threatened species in Australia. However, it did weigh up the very sensitive issue of 1080 and look at the pain and suffering felt by feral animals that consumed 1080. The organisation of course acknowledged that feral animals do suffer pain as a result of 1080. However, as the title of the report states, it is a weighty ethical issue. The report found that a ban on 1080 without an effective replacement would result in a decline in native Australian species and an overall increase in animal suffering. That is the crux of the dilemma.

Conservationists have to deal with the problem all the time. Of course we know that animals suffer pain and distress—whether they are endemic to a particular country or whether human beings have introduced them. However, it is not their fault and I understand and empathise with that argument. I find it very concerning to hear a rejection by researchers of Dr Marks' research into the prevention of extreme distress and pain caused by 1080. The Greens urge the Government to fast-track efforts to develop humane alternatives. We support those efforts and we support the motion because that is what Dr Marks wanted.

**The Hon. EMMA HURST (22:25:06):** I support the motion moved by my colleague the Hon. Mark Pearson. Both critical issues raised by the motion—the use of lethal poison such as 1080 on wildlife, and research experiments performed on animals in laboratories—involve cruelty that occurs largely in secret and outside of mainstream public view. In fact, those practices are able to continue only because they take place without the majority of the public knowing. If the community and lawmakers were confronted by the reality of the suffering of those legalised animal cruelty practices, I am confident they would no longer exist. Anyone who has seen the horrors of what occurs in animal experimentation or watched an animal die a slow and excruciating death from 1080 knows that such procedures are nothing short of torture and that they must be stopped.

Dr Clive Marks is a rare person from the scientific community who has been wanting to speak out about the dual horrors of animal experimentation and 1080 poison. In his published work, he talks about his distress as a scientist watching a cat being administered with 1080 poison in the name of so-called research. He describes the hours of convulsions, spasms and cries from this innocent cat until she finally rolled onto her back because she was too paralysed to vocalise pain any longer. In the scientific community, it is often seen as taboo to show emotion or empathy towards animals that are used as experimental subjects or to question the morality and ethics of those practices. But it is that kind of transparency and honesty that we desperately need for change to occur and to help find a humane way forward. We cannot treat our fellow living beings that way—and we do not need to.

Rather than resorting to poisons, there are many other ways in which to humanely resolve conflicts between native and introduced species. Technologies already exist to allow us to test effectively and efficiently on human cells and tissues and through computer modelling instead of using animals. The New South Wales Government should pay attention to those humane alternatives that are being demonstrated by scientists and the broader community and ensure the alternatives are being funded properly. Failure to do so is the very definition of inhumanity.

**The Hon. MARK PEARSON (22:27:29):** In reply: I am grateful to all the members who made a contribution to debate on the motion. I think some members have missed part of the essential thrust of the motion,

so I will make it clear: It is to acknowledge the work of a scientist who has had the persuasion and courage to stand up against his colleagues to question and revisit the issue of harming animals that are not wanted. It is often the case that the animals were wanted yesterday, but not today. For those reasons I ask members to support the motion, which is about supporting a movement away from what has been done for so long and has caused such extraordinary harm.

We cannot keep saying that we have to keep poisoning, harming and killing animals because if it really had worked, we would not be talking about it today. For between 80 and 100 years it has been done in attempts to control animals in the most violent and harmful ways. Clearly that is not working. Clive Marks is saying that we must question what we are doing and that conservation should not be about killing. I commend the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** The Hon. Mark Pearson has moved a motion, to which the Hon. Mick Veitch has moved an amendment. The question is that the amendment of the Hon. Mick Veitch be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.**

#### *Committees*

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

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

**The Hon. ROBERT BORSAK (22:30:09):** I move:

That the reporting date of the inquiry into the provisions of the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 by Portfolio Committee No. 5 - Legal Affairs be extended to the first sitting day in 2021.

The Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 is one of the most if not the most punitive and ill-conceived bills I have had the displeasure of seeing come before the House in my 10 years as a member of Parliament. For those who have not yet read the bill, I will quickly highlight some of the extraordinary proposals it contains. Ostensibly the bill aims to catch and prosecute criminals who manufacture firearms or firearm parts without authority by creating a new offence styled "knowingly take part in the unauthorised manufacture of a firearm or firearm part". It also creates a new offence of being in possession of a firearm precursor. A firearm precursor is literally anything that can be used to make a firearm part.

The bill does not require that a firearm or firearm part be actually manufactured. Mere possession of a firearm precursor is sufficient for a person to be charged with an offence and face 20 years incarceration. That means that any member of this House could very easily be charged for simply having a piece of steel bar in their garage. This bill is thinly disguised as a wolf in sheep's clothing. The bill reverses the common law right to the presumption of innocence and the right to silence. Rather than targeting unlicensed criminals who are involved in the illegal manufacture of firearms and firearm parts, it is squarely focused on the nearly 300,000 licensed law-abiding firearms owners in this State and, indeed, it can and will be used against any person in the general public who for some reason may come under police gaze or interest.

This egregious bill is unreasonable, unjust and oppressive. It lacks checks and balances and is open to abuse by police. I assure the House that it will be abused. Because it is a bill related to police powers it would appear that it escaped the need to comply with better regulation principles or to be supported by a regulatory impact statement. Since this bill was introduced in March, the Shooters, Fishers and Farmers Party has worked tirelessly to make sure that all licensed firearms owners and the public in general are aware of the punitive measures and arbitrary powers it contains. It has taken time and resources to rally licence holders to make submissions to the inquiry into the provisions of the bill. At last count the secretariat had received over 300 submissions, such is the interest and anger with the proposals in this bill.

COVID restrictions have also stifled our communications with constituents. Another consideration is the enormous workload the committee staff are currently dealing with. They advise that there is no chance of completing the work of the committee before we rise for the summer break. For those reasons I now seek the support of the House in moving that the reporting date for the committee's report be extended to the first sitting day in 2021.

**The Hon. NATASHA MACLAREN-JONES (22:33:51):** The Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 strengthens the provisions relating to the illegal manufacture of firearms

and prohibited weapons and clarifies police powers for the use of firearms prohibition orders. I will give some background as to how this inquiry came about. When the bill was introduced on 24 March this year, like all bills, it was referred to the Selection of Bills Committee. The role of that committee is to look at the recommendations that are put forward and then refer the bill to a committee for inquiry. This committee works cooperatively, often compromising on reporting dates, giving leeway and extending discussion time with representatives of all members in this Chamber, if required. It is fair to say that the running of that committee has evolved over time. It was established as a pilot a number of years ago, but it has allowed us to iron out how it works and to ensure that we serve the needs of this House. At all times the committee has tried to work consistently and with a fair approach.

At the end of the day we all come to this Chamber with our own political agendas, but I like to think that we still put the people of New South Wales first, ahead of that agenda. The strength of this Chamber and our committee process reinforces that. I use the example of Mr David Shoebridge asking that the committee have a minimum of 14 days for any inquiry because we were getting to a stage where we had very quick inquiries that put pressure on committees, on the secretariat and so on. But at no stage did we think that we needed to put a cap on the length of time an inquiry would take because, within reason, we looked at the workload and the extent of the submissions that would be needed. A member will come to the committee and list the stakeholders who need to be targeted. A six-month time frame was put at that meeting, reporting on 22 September, which is reasonable and, I think, possibly one of the longest recommendations for an inquiry from that committee to date.

Due to COVID-19 the length of time for submissions was extended. I think submissions closed last week and to date, on the record, there are approximately 76 submissions, which is a reasonable number of submissions. A reporting date of 26 September is still reasonable. I have not heard from the mover of this motion, the Hon. Robert Borsak, and I look forward to hearing from other members of this Chamber who intend to support this motion as to why a 12-month period is required to examine this bill. As I said, the key provisions of this bill relate to the illegal manufacture of firearms.

The purpose of an inquiry is to look at the specific concerns of stakeholders, which come out in a hearing, and report back to the House to allow the House to debate a bill. It is not a matter for a committee or individual members of this Chamber to delay in any way the rights of this House to debate a bill. At the end of the day it is our responsibility to debate a bill. As we know, a number of stakeholders have come forward and expressed concerns about the need for this bill to be debated. An article appeared in *The Daily Telegraph* last month referring to concerns raised by the State Crime Commander about criminals buying illegal firearms from licensed dealers. This bill addresses a number of serious matters. Delaying it for 12 months will only impact the people of New South Wales. I urge all members of this Chamber to not support this motion.

**The Hon. JOHN GRAHAM (22:37:36):** I speak on behalf of the Opposition on this motion. Firstly, I recognise the work of the committee to which the Hon. Natasha Maclaren-Jones referred, and also her role as Government Whip. Opposition members value the way the committee works and also the work of the Government Whip. I do not think the Chamber would work as well without that input. I have a great deal of sympathy for the Hon. Natasha Maclaren-Jones, who has been put a position of general defence. I make it clear that the Opposition will support this motion.

All members are aware of the practical pressure on committee staff and the number of inquiries being held. We are aware of the difficulty to get a date for hearings. Given how close we are to the dates, the Opposition does not see an issue with extending this inquiry. We see that as a practical measure. I agree with the Hon. Natasha Maclaren-Jones that it is the right of this House to debate a bill, but it is also the right of this House to choose to extend an inquiry. The Opposition does not prejudge this bill and looks forward to the recommendations of this inquiry. In introducing this motion, the Hon. Robert Borsak certainly touched on some important civil liberties principles. If those principles were at stake, it would be of concern to members of this House. For those reasons the Opposition supports the motion to extend the inquiry's reporting date.

**The Hon. ROBERT BORSAK (22:39:50):** In reply: I listened intently to the contribution of the Hon. Natasha Maclaren-Jones. The reality is that the request for an extension was driven by a request from the secretariat of Portfolio Committee No. 5—Legal Affairs. It is true that the date for submissions has closed. The committee secretariat said it was impractical and impossible for the committee to report on 14 September, given submissions closed on 14 August. The hearing date is scheduled for 8 October. I do not understand how that works. I have tried to talk reason to the Government. Trying to talk to the police Minister is like trying to talk to a wall. He does not listen. He is hell-bent on getting one thing done, and that is kicking the shit out of shooters. That is not necessary in this case. The House has the opportunity to consider the Firearms and Weapons Legislation Amendment (Criminal Use) Bill 2020 properly after receipt of the committee's report.

The bill was introduced on 24 March 2020. Members know what happened on that date. How many sitting days did this House lose in lockdown? For how long was nothing achieved in this place? To say that the committee

had six months to complete its inquiry is disingenuous in the extreme. It was simply not possible to get it done. The whole process was messed up. I am simply asking for an extension to the first sitting day in March 2021 for presentation of a final report to the House. That will enable all members to read and consider it and then decide whether they will support the committee's recommendations on the issues that are of major concern. However, that is not what members are debating now. From a personal and practical point of view, it is simply not possible for the committee to produce a report in the middle of September when the only hearing date is set for 8 October. I commend the motion to the House.

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

**The House divided.**

Ayes .....23  
Noes .....17  
Majority.....6

**AYES**

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

**NOES**

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

**Motion agreed to.**

*Motions*

**DONATELIFE WEEK**

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

That private members' business item No. 692 be considered in a short form format.

**Motion agreed to.**

**The Hon. NATASHA MACLAREN-JONES (22:52:23):** I move:

- (1) That this House notes:
  - (a) DonateLife Week was held from 26 July to 2 August 2020 to raise awareness of organ and tissue donation and to encourage more Australians to register and have a conversation about organ and tissue donation with their family;
  - (b) DonateLife Thank You Day will be held on 17 November 2020 and is a national day to recognise all Australians who make organ and tissue donation possible;
  - (c) in 2019, 548 deceased and 239 living organ donors transformed the lives of 1,683 Australians and more than 12,000 benefited from eye and tissue donation;
  - (d) currently there are close to 1,700 Australians on the waitlist for a life-saving transplant;
  - (e) in Australia 90 per cent of families support their loved one's wishes as a registered donor; and
  - (f) the majority of Australians are willing to donate their organs and/or tissue when they die and 69 per cent of Australians believe that registering is important; however, only one in three Australians are registered donors.
- (2) That this House affirms its support for organ and tissue donation in New South Wales and the importance donating has in people's lives.

There is a large demand for organ transplants in New South Wales. Registering to become an organ donor is an important, quick and simple process that only takes a few minutes and can save a life and help families. In 2019

around 1,600 Australians were on the waitlist for an organ transplant. A further 12,000 people who were on dialysis might also benefit from a kidney transplant. Many of the organs that can be transplanted are in need, such as the heart, lungs, liver, kidneys and pancreas. Those organs can help to save human lives. In Australia there is strong support for organ donation. DonateLife Week was held from 26 July 2020 to 2 August 2020. It aims to raise awareness of organ and tissue donation, and encourages more Australians to register or have a conversation about organ and tissue donation with their family.

During DonateLife Week the Organ and Tissue Authority conducted a community awareness survey, which found that Australians are willing to become organ and tissue donors to save lives, do the right thing and because they feel that there are not enough donors. However, despite strong support for organ donation only one-third of the people surveyed thought they were currently on the donation list, which highlights that a register to become a donor and a further education campaign is needed. DonateLife Week aims to highlight the continued need for organ donation and to have the conversation with family and friends around organ and tissue donation. The importance of registration is that it leaves no doubt about a person's wish to be an organ or tissue donor. In Australia the family will always be asked to agree to organ donation.

The importance of organ donation cannot be understated as the act can literally save a life. DonateLife has some amazing stories about those who have been donors or who have saved lives or whose lives have been changed by a donor's kind donation. People can download or submit their stories to the DonateLife Book of Life, which is a collection of life-saving and life-changing stories from people touched by organ and tissue donations. Since 2009 more than 13,000 Australians have had their lives saved as a result of organ transplants. In 2019, 1,444 people received a life-saving transplant through the generosity of 548 deceased organ donors. These numbers highlight the importance that organ donation can have in saving someone or changing a life.

The New South Wales Government continues to be committed to supporting organ transplants in New South Wales through the Increasing Organ Donation in New South Wales 2012 strategy. The paper highlights the continued plan for supporting the Australian organ donation register and education awareness campaigns to encourage discussions about organ donation. Whilst many people support organ donation there are still misconceptions around it. One of the most prevalent myths is that it is better to let a donor's family decide the time rather than to plan ahead and register to donate. However, many families decline donation because they simply do not know what their loved one wanted. When a family is unaware of their loved ones' donation decision, only 44 per cent of families will agree to donate. This highlights the importance of having a conversation around registration with families and friends as 90 per cent of families will honour the wish of a deceased donor when that person is registered as a donor.

Another myth is that there is not a need to discuss the decision with a family member. However, families play a critical role in the donation of organs. As I said, families are asked to confirm the decision even if the deceased person is registered. The family is involved in every step of the donation process, particularly as they provide vital health information. Organ and tissue donation is a simple yet highly important decision that can save a life or help someone else in need. It only takes a couple of minutes to register. DonateLife Week encourages people to have the conversation around organ donation and to get people to register as a single conversation and a couple of minutes spent registering can change a life.

**The Hon. WALT SECORD (22:56:55):** As the shadow Minister representing the shadow health Minister in the Chamber, I speak in support of the motion on organ and tissue donation awareness. I will make a brief but symbolic contribution to show my support. Members would be aware that I have been a long-time supporter of organ and tissue donation. I am a registered organ donor in the event of sudden death. In fact, there were many occasions when I was shadow health Minister to the previous health Minister, Jillian Skinner. I shared a platform in the spirit of bipartisanship and endorsed moves and legislation to increase organ and tissue donations in New South Wales.

When Jillian Skinner left Parliament I remember praising her on her HIV, hepatitis and organ donation awareness. Despite her best efforts, New South Wales and Australia have lagged behind other comparable jurisdictions. Unfortunately, there is much more to do to lift organ and tissue donation rates; currently one in three Australians is a registered donor. In 2011 the O'Farrell Government set itself a target to double the rate of organ donation in New South Wales. It said that it wanted to lift it to 50 per cent. Though I support the goal I do not see the Berejiklian Government meeting it. I sincerely hope that we will one day reach that target.

There are reassuring trends overseas. It took Spain and Croatia about 10 years to shift community views on organ donation and to meet their respective targets. That said, there are challenges and I know that there are some faiths that do not permit organ donation. I sincerely believe that preserving human life overrides those concerns. For example, donation of an organ from a living person to save another person's life where the donor's health will not appreciably suffer is permitted and encouraged in Judaism. Donation of an organ from a dead person is equally permitted for the same purpose of saving a life, known as pikuach nefesh. Furthermore, I believe

that Australia should have an opt-out clause. It should operate on the assumption that a person who suffers a sudden death had wanted their organs to have been donated.

DonateLife Week was held on 26 July to 2 August. National DonateLife Thank You Day will be on 17 November to recognise Australians who make organ donations. In 2019 some 548 deceased and 239 organ donors transformed the lives of 1,683 Australians, and more than 12,000 benefited from eye and tissue donations. Sadly, I acknowledge that almost 1,700 Australians are on a waiting list for a life-saving transplant. Over the years I have met people who have received life-saving transplants and those who have made the decision to save or improve the lives of others by allowing the organs of a deceased loved one to be provided to others.

In October 2011, shortly after entering Parliament, I had the honour to meet one such family—Oliver and Rosemarie Zammit from western Sydney. The Zammits are the parents of Doujon Zammit, who was murdered in Greece in July 2008. He was 20 years old at the time and was on his first overseas holiday. He was bashed and he slipped into a coma. His life ended when he was taken off life support. In a wonderful selfless act, the Zammit family allowed his organs to be donated in Greece, saving five lives. Before he left Australia, Doujon had spoken to his family about being an organ donor and, even in a time of grief and anger, they honoured his wish. I urge all members who are not registered organ donors to do so. I do not want my partner to be forced to make a decision about organ donation but I want my wishes to be known. I thank the House for its consideration.

**The Hon. SHAYNE MALLARD (23:00:34):** I thank the Hon. Natasha Maclaren-Jones for moving the motion. DonateLife Week was held from 26 July to 2 August 2020 to raise awareness of organ and tissue donation, encourage more Australians to register and, more importantly, have a conversation about organ and tissue donation with their family and loved ones. That can be a difficult and confronting conversation but it is important to be informed about the wishes of your loved ones in the event of your passing. Transplants save the lives of patients suffering from terminal organ failures and improves their quality of life.

Organ donation is the gift that can help someone who needs a transplant. One organ and tissue donor can help transform the lives of more than 10 people at any one time. Currently around 1,700 Australians are on the organ transplant waiting list. Unfortunately there are fewer donor organs available than there are people waiting on the list. People are dying on that list waiting for suitable organs to become available. As I said, close to 1,700 Australians are waiting for a life-saving transplant. However, only one in three people in Australia is a registered donor.

In Australia, 90 per cent of families support their loved ones' wishes as a registered donor. The majority of Australians are willing to donate their organs and/or tissue when they die and believe registering for organ donation is important. I will tell members a special story about the importance of organ donation, something that the Hon. Walt Secord touched on in his speech. Organ donation is close to my heart because my friend Ned Mannoun, who was the mayor of Liverpool, was an organ donor. A young father, he donated one of his kidneys to his ill son Solomon. His generous and loving gift saved Solomon's life and changed the incredibly stressful world of his wife and family for the better.

I like to think we would all be as generous as Ned in offering our kidney to save a life. At that time, while Ned was the mayor of Liverpool, he and the council named an urban waterway in a Liverpool estate Doujon Lake in honour of a young local man who had been tragically killed during an overseas holiday a few years earlier. Doujon's family, in an act of great generosity at a time of unbearable grief, donated his organs for transplant. As an ambassador for organ donation, Ned was aware that donation rates were too low in the migrant communities of western and south-western Sydney.

The honour for the family was also designed to promote organ donation in south-western Sydney. I was present when the then health Minister, the Hon. Jillian Skinner, dedicated the lake at a celebration in front of a large and emotional crowd of family and friends. Later that day I found out that the man who received Doujon's heart had travelled from Greece to be at the dedication. It was incredibly moving. The ceremony was one I will never forget. It also reaffirmed my belief in the importance of organ donation. We need more people to register to be organ donors and more people to have that conversation about the wishes of their loved ones. There are many people for organs and tissue transplants to save lives and change lives. If people want to be organ donors, they should register today and inform their family about their decision. I commend the motion to the House.

**Ms CATE FAEHRMANN (23:03:58):** On behalf of The Greens, I support the motion about DonateLife Week. I concur with much of what the Hon. Walt Secord stated in his contribution. I, too, am a registered donor and have spoken to my family about it. I also actively support the campaign for an opt-out system when it comes to organ donations, as opposed to our current opt-in system. Let us remember that with an opt-out system, people cannot doubt—that is the whole point. Most governments around the world that have embarked on opt-out schemes have seen a huge increase in organ donations, but they have accompanied those schemes with education and information for multicultural communities and have largely seen success with those programs. Australia is

ranked twentieth in the world for organ donations, behind countries such as Croatia, Spain, Portugal and Italy. In fact, recent international studies have shown that the implementation of an opt-out system of organ procurement would increase donation rates by 50 per cent.

Tonight members have heard some personal stories and statistics. Those statistics give hope that one day instead of being in this House debating a motion on DonateLife—saying what a good thing it is and encouraging members of the community to opt in—we would be encouraging a change in the law. Currently there are 1,700 Australians on the waitlist for an organ transplant, with wait times between six months and four years. The nation and, indeed, the world has done much to save lives around COVID. I know it is an extremely different situation, but we are prepared to change laws, sacrifice and reach out to multicultural communities to ensure hopefully that they understand legislation.

We should also be prepared to legislate to save lives and make people be organ donors unless they have a specific objection. If they do object that is okay; they can then opt out. Importantly, for most countries that have the opt-out scheme, a patient's family can still object even if the patient has not opted out, which usually means that organ donation does not go ahead. I support the motion. Of course we should campaign for and educate more people to donate. However, as with seatbelts or the mobile phone bills, the best thing is legislation, because not everybody does it.

**The Hon. TAYLOR MARTIN (23:07:05):** I support the motion of the Hon. Natasha Maclaren-Jones and place on the record that I, too, am a registered organ donor due to DonateLife Week a few years ago. I moved a similar motion to this one, which was agreed to by the House in 2018. This is a particularly important issue to me due to my association with the Pilon family. I first met the Pilons in 2015 in the months after the passing of their son Banjo, who was tragically killed while skateboarding in his driveway in Wamberal. Following his passing, his parents, Jilly and Mic, and siblings, Fletcher and Gabbi, made the decision to donate his organs, which had a life-saving impact on six individuals who were waiting for a transplant.

Following Banjo's passing, the community rallied together in the hope that a skate park could be built to provide a safe place for local kids to skate. With a commitment of \$500,000 from the Federal Liberal Government secured by the member for Robertson, a location in Terrigal was selected and the park was officially opened during DonateLife Week in 2018. Two years later I drive past the bright colours of Banjo's Skate Park every day and see children and young families using it. The park is a tribute to Banjo and a permanent reminder that he lives on in many ways, but especially through his family's decision to donate his organs to those who needed them.

As this motion highlights, close to 1,700 Australians are on the waitlist for an organ transplant. In times of sorrow after losing a loved one, it is possible that some comfort can be gained from knowing that their organs will make a life-saving difference to other people. It is a fact that the majority of Australians are willing to donate their organs and/or tissue when they die, yet just one in three Australians is actually a registered donor. It is easy to become a registered donor. I encourage everybody to ensure that they are registered by going to [donatelifelife.gov.au/register-donor-today](http://donatelifelife.gov.au/register-donor-today) and completing the short form, just as I did due to the advocacy of the Pilon family of Wamberal a few years ago.

**The Hon. LOU AMATO (23:09:06):** I thank the Hon. Natasha Maclaren-Jones for moving this important motion. I have always been a supporter of organ donation and it is great to hear that my colleagues are as well. We all need to get on board with organ donation because so many lives can be saved or improved by the generous act of organ donation. Presently many sick individuals are living out their lives seriously ill or impaired, waiting in hope for the donation of an organ. Sadly, not enough people donate their organs and unfortunately many people die before a life-saving organ can be found. In times past one could register to become an organ donor and that fact was noted on their New South Wales driver licence. The system was discontinued as it was deemed to have resulted in a lower donation rate. People who wish to become an organ donor can now register online.

Personally, I felt that the driver licence system was a good idea as at least people were being asked upon renewal of their New South Wales driver licence if they would like to become an organ donor. I heard that many people opted out of becoming an organ donor due to misinformation. My personal experience from talking to individuals is that being listed as an organ donor on one's driver licence would result in a reduced effort by medical professionals to save you if you happen to be in a serious car accident. Also, family members would have no say if they felt uncomfortable with donating a deceased loved one's organs. All of that is simply untrue. Any misinformation could have been addressed before discontinuing the scheme.

It is also interesting to note that many individuals still have no idea that organ donor registration is now being done online. The job of parliamentarians and the Government is to clear up any misinformation, regardless of the mode of registration. The Hon. Natasha Maclaren-Jones's message is that we will have the potential to save lives and, in many cases, provide a seriously ill person with a better life. The bottom line is that if we have more organ donations we can save more lives. We need more people to generously become organ donors. Almost all of

us plan for end of life by preparing wills, taking out life insurance policies and communicating verbal last wishes to family and friends. I feel that organ donation needs to become part of one's end-of-life plans. How do we achieve that? Perhaps it can be done by education so that at least we dispel some myths associated with becoming an organ donor—and there are plenty to dispel. I again thank the Hon. Natasha Maclaren-Jones for her important motion. I hope her motion is the beginning of a new era of increased organ donation in New South Wales.

**The Hon. NATASHA MACLAREN-JONES (23:12:01):** In reply: I acknowledge and thank the Hon. Walt Secord, the Hon. Shayne Mallard, Ms Cate Faehrmann, the Hon. Taylor Martin and the Hon. Lou Amato for their contributions to this debate. I particularly thank members who included personal stories about those they have known or have had interactions with in relation to organ donation. I also acknowledge the comments made by the Hon. Walt Secord about the Hon. Jillian Skinner who, as a former Minister for Health, was a strong advocate for not only increasing awareness of organ donation but also increasing organ donation in New South Wales. When I became a member of this House in 2011 I remember there was a campaign to encourage members of Parliament to register as organ donors. Like many people in this Chamber, I have been a registered donor for a number of years. I encourage members who are not donors to take an interest, examine the information, have that conversation with their family, and consider being a tissue and organ donor.

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

**Motion agreed to.**

#### *Documents*

### **LOWER HUNTER WATER PLAN**

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

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 637 be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (23:14:19):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, created since 1 January 2017, in the possession, custody or control of the Department of Planning, Industry and Environment, Water NSW, the Minister for Water, Property and Housing or the Hunter Water Corporation:

- (a) any independent study, report or analysis commissioned by Hunter Water Corporation concerning new dams or dam expansions, desalination, water conservation or water efficiency, or demand management;
- (b) all documents concerning the gap analysis investigations (referred to in the answer to Legislative Council question on notice No. 1266) in relation to options being considered as part of the Lower Hunter Water Plan;
- (c) all documents concerning the costings for options being considered as part of the Lower Hunter Water Plan including the costings used as part of the development of ratings for each option type (referred to in the answer to Legislative Council question on notice No. 1266);
- (d) all documents concerning any options shortlist for the development of the Lower Hunter Water Plan;
- (e) all documents concerning the development criteria being used to assess options for the Lower Hunter Water Plan (referred to in the answer to Legislative Council question on notice No. 1264);
- (f) any geotechnical studies or analysis undertaken by or commissioned by Hunter Water Corporation concerning new dams or dam expansions being considered as part of the Lower Hunter Water Plan;
- (g) all documents concerning any engagement with local governments as part of the development of the Lower Hunter Water Plan; and
- (h) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Hunter Water is currently undertaking a major review of the 2014 Lower Hunter Water Plan as part of a whole-of-government approach to long-term water planning in the Hunter region. This is an eminently sensible approach given the recent drought. I do not think anyone contests that there should be a review of the Lower Hunter Water Plan. However, the community is deeply concerned about the way the consultation around the plan is progressing and, in particular, the prioritisation of options that are not seen by many as suitable. Hunter Water went through a very detailed consultation in 2014 when the Lower Hunter Water Plan was developed; it was intensive, with two years of community consultation, and it was managed by Metropolitan Water at the time. It clearly demonstrated that the Hunter community wanted a sustainable approach to water security in the Hunter that did not include dams. Some people may remember a very rigorous debate in the late 2000s around Tillegra Dam.

In the review that is being conducted, significant weight seems to be being put on new storages on the Williams River catchment at Limeburners Creek and Chichester River near Dungog. I have asked questions on notice about this review process. I have received some answers but they have been very limited and raise more questions than answers about the adequacy of consideration of the various options in the plans. Some options are listed; they are given priorities and they are given a sense of cost and benefit, but there is little information behind how those judgements have been made by Hunter Water in informing the public consultation.

Other questions I asked were not answered. For example, I asked how much money had been allocated for the review of the 2014 Lower Hunter Water Plan. The answer I got back was, "A total of \$7 million has been allocated to the review of the Lower Hunter Water Plan." I do not think that that is how much has been allocated. We have been here before. The committee is actively engaged on the issue of water security in the Hunter. I think it is sensible that this information is not overly prescriptive in detail; it is what one would assume would be readily available when undertaking a review of this sort and it will help inform the community consultation that Hunter Water is currently conducting. I commend the motion to the House.

**The Hon. TAYLOR MARTIN (23:16:48):** The Government will not oppose the motion. The New South Wales Government is working to ensure that the Hunter has a resilient water system now and for future generations. Key stakeholders and the community are involved in reviewing the Lower Hunter Water Security Plan. The development of the options was guided by the goals and objectives in the Lower Hunter Water Security Plan, which were established with our community, stakeholders and project partners. In collaboration with the New South Wales Government, we established a framework to guide our decision-making to ensure that we had an objective and transparent assessment of the options.

The Government has engaged with our community to understand their values and preferences for option types. It has worked with our stakeholders to understand their goals for water in the region and to identify the broader benefits and impacts of each option and it has partnered with industry experts who assisted in developing the options by carrying out reviews for each option type to understand best practice, success factors and costs and benefits. Feasibility assessments were then carried out for the different options. This process helped us to shortlist the best options for further consideration as part of the Lower Hunter Water Security Plan. The plan will consider new sources of water and investigate new ways to produce the water that we all use so we can effectively balance water supply and demand in the Hunter region. This will look at all options including new or expanded dams, water recycling, stormwater harvesting, water conservation and desalination, among other options. An initial long list of options has been shortlisted for further consideration as part of the Lower Hunter Water Security Plan. No decisions have been made about what options will be proposed as part of that plan.

**The Hon. PENNY SHARPE (23:11:38):** I am pleased that the Government is not going to oppose this call for papers. Labor supports the call for papers. We believe that we have spent a lot of time in debate in this House on water and that it will continue to be an issue. Labor supports obtaining all the documents and allowing the community input so that we can scrutinise what is happening. We support this call for papers.

**Ms CATE FAEHRMANN (23:19:12):** The Greens also support this motion and, in fact, have been approached by a number of members of the community around the Hunter and Upper Hunter who are concerned by what they have seen. There are proposals out of nowhere for potential new dams in that area of the world. This is particularly concerning for the community, as Mr Justin Field mentioned, the community having risen up and campaigned so strongly against the Tillegra Dam more than one decade ago. Typically this Government does not put enough information on the table; all of the options are not presented to the community. The community is not aware of the justifications and, of course, a cost-benefit analysis is not provided. The dams have not been promised, they are simply one option in a plan. But that is why the community needs to have all of the information. It is good to see the Government support this motion. That is very unusual. Perhaps the Government should ensure for starters that water corporations put out all of the information as soon as dams are mentioned and then we may not need to establish some of the inquiries. The Greens support the motion.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan) (23:20:53):** The question is that the motion be agreed to.

**Motion agreed to.**

#### *Bills*

### **URANIUM MINING AND NUCLEAR FACILITIES (PROHIBITIONS) REPEAL BILL 2019**

#### **Second Reading Speech**

**Debate resumed from 6 June 2019.**

**The Hon. MARK LATHAM (23:21:15):** I move:

That this bill be now read a second time.

This bill relates to the issue of lifting the ban on uranium mining for nuclear power generation in New South Wales, which the Deputy Premier has been promoting for three years. One would expect the Government would have worked out a position, given the high profile Mr Barilaro has given the issue in every conceivable media outlet in every part of the State for those three years. I have seen a fair bit of policymaking in my time but nothing like that. Mr Barilaro has not changed his position since June but I have received four or five different indications of what the Government might do: support nuclear, not support it; support uranium, not support it. I concluded it was proof positive of the adage by Lewis Carroll, "If you don't know where you are going, any road will get you there". Quite frankly, I have never seen anything like it. Some of the arguments presented by the Cabinet as to why the Government could not proceed are not rational or logical and they are certainly not in the best interests of New South Wales in a deep depression.

The data about the loss of jobs is horrendous. Jobs are badly needed in western New South Wales where, on the best indication, uranium deposits lie. At the end of the day, in politics doing the right thing in a recession is pretty important. I cannot believe that honourable members would not support at a minimum the lifting of the uranium mining ban so that people in western New South Wales, having been through a drought and COVID-19 and now a recession, would have access to jobs in an industry that across the border has operated productively. In South Australia this industry has created export income, royalties, jobs and investment for several decades. Having had some feedback about what happened at the Cabinet meeting on Monday, my final conclusion is that the problem for this Government is not yellow cake; the problem is the yellow streak running up its back.

### Second Reading Debate

**The Hon. TAYLOR MARTIN (23:24:05):** I contribute to debate on the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019. The bill seeks to remove all State-based legal impediments to uranium mining and the construction and operation of nuclear facilities in New South Wales. If the bill becomes law, the prohibition on uranium mining in New South Wales will be lifted, making it legal to mine for uranium within State boundaries for the first time since 1987. However, a prohibition on nuclear facilities would remain in place as a result of the prohibitions in Commonwealth legislation.

In 2050 I will still be of working age—I might be the only person in this place who can say that. I am concerned when people advocate for net zero emissions by that date. The issue is important to me and my generation. In the long term, we will need emissions-free power not only to replace our existing electricity generation capacity but also to meet future needs as electric and hydrogen vehicles replace the petrol and diesel vehicles we currently use. That is an immense amount of raw energy to replace. We may even head down the road of widespread water desalination to supercharge agriculture throughout New South Wales. That can only be done with vast amounts of new, dependable, emissions-free power. The next generation of nuclear power can certainly provide that.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I call Ms Cate Faehrmann to order for the first time.

**The Hon. TAYLOR MARTIN:** As members are aware, the bill was referred for inquiry to the Standing Committee on State Development, which I chair. The inquiry was incredibly thorough. It provided a timely platform for debate on whether nuclear energy should be considered on its merits as a possible energy source in the State's future energy mix. It presented an opportunity to gather the facts about nuclear energy based on the best available science and technology, and to evaluate the prospects of nuclear energy as a zero emissions source of electricity.

During the inquiry we visited the Beverley uranium mine in South Australia and learnt how uranium is extracted there. Beverley uses in-situ recovery and low-impact mining methods to recover uranium, which results in low surface disturbance and extremely low radiation for workers. We visited the Open Pool Australian Lightwater reactor at Lucas Heights to learn about the work of the Australian Nuclear Science and Technology Organisation. We learnt that Australia has played a significant role in the nuclear fuel cycle and the expertise around it. The committee held three public hearings in which we heard from experts who had diverse backgrounds and experiences, including science, government, unions, private sector and, of course, activism. In the foreword to the report, I stated:

... the Uranium Mining and Nuclear Facilities (Prohibition) Act 1986 may be considered an artefact of its time, a post-Chernobyl era characterised by concern about the environmental and health impacts of nuclear, as well as fears of nuclear war and the proliferation of nuclear weapons.

Since 1986 much has changed. The old Cold War fears are nowhere near as prevalent as the concern about the effect of fossil fuel emissions on our health and our environment. Nuclear technology has improved and further promising innovations, such as small modular reactors, are being developed. In 2012 the Government repealed

the prohibition on uranium exploration in New South Wales and it became legal to prospect for uranium in the State pursuant to a valid exploration licence issued under the Mining Act 1992. But the prohibition on uranium extraction remains in place. Since lifting the ban on exploration in 2012, no uranium exploration licence has been issued in New South Wales. Who wants to spend money looking for something they are banned from extracting?

During discussions in this place and in its corridors some members have said that there will be no nuclear energy industry in New South Wales even if the ban is lifted. I am glad the committee undertook the inquiry because representatives of the Department of Planning, Industry and Environment informed us that mineral sand mines are already extracting uranium in New South Wales. It is already happening as a by-product of mining processes that currently occur. But because it is prohibited, because we have had our heads in the sand on this matter, they are directed and obliged to bury this valuable resource in the ground—absolute madness! Let us get on with it. It happens legally over the border in South Australia. The existing prohibition is ridiculous—we are literally burying uranium back in the ground because doing anything of value with it is illegal. It takes so much extra effort simply to put it back into the ground.

The repeal of the Uranium Mining and Nuclear Facilities (Prohibitions) Act will not result in the establishment of a new uranium mine tomorrow. Any new mine will still be subject to the usual safeguards, including development consent, mining lease processes, exploration licences and environmental protection plans. Additional requirements would be imposed for the handling of radioactive material. Rather, the bill will signal to the market that investment in uranium exploration will be responded to in good faith. I recognise that the repeal of prohibitions could give rise to baseless scare campaigns. I welcome any work undertaken with a view to a strategic release framework that would give assurance and certainty across New South Wales. According to the International Energy Agency's World Energy Outlook 2018, nuclear power generation will increase by 40 per cent to 90 per cent by 2040. Australia has one-third of the world's known uranium resources. Modelling done by RMIT University in 2015 showed that if we fully harness this opportunity a uranium sector could employ more than 20,000 people and deliver between \$6 billion and \$9 billion per annum to the Australian economy into the future.

It would support highly skilled science and engineering positions such as radiologists, chemists, radiation specialists, reactor operators, chemical engineers, health physicians, contract lawyers, mechanical engineers, nuclear engineers, financial managers and material scientists. You can imagine the list of science, technology, engineering, and mathematics [STEM] opportunities goes on and on. There are well over 400 nuclear power plants operating around the world at the moment including 95 in the USA alone. European nations are heavily reliant on nuclear power for their energy needs. France has 56 operable nuclear reactors, which generated 71 per cent of the country's electricity last year and, crucially, it exports this power to neighbouring European countries. It provides synchronous power to support large installations of intermittent asynchronous power. You can ask South Australia, or even California at the moment, what happens when you ignore the facts and the science on this particular issue in a blind adherence to the intermittent wind farm and solar farm pipe dream.

Eleven countries in Europe, including Belgium, Finland and Sweden, relied on nuclear generation for more than one quarter of their power needs in 2019. The United Kingdom is not far behind that figure. Earlier this month Egypt announced that it will begin construction on its first nuclear power plant next year. When that 4,800-megawatt power plant is completed in 2028 the plant is expected to account for up to half of Egypt's power generation capacity, and boost the country's economy and industrial development by creating up to 50,000 jobs in industry. That is an important point: Secure, reliable, affordable energy creates jobs across all industries. That is the real difference between the realist and the green new deal zealots. The realists recognise that when energy production is more efficient, electricity is cheaper and jobs are created across all industries.

**Mr David Shoebridge:** Nuclear energy is six times more expensive.

**The Hon. TAYLOR MARTIN:** The zealots think that you create more jobs by paying more people to import wind turbines from China and install solar panels on roofs.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! When I call for order that means members cease talking. I call the Hon. Taylor Martin to order for the first time. I call Mr David Shoebridge to order for the first time. It is unnecessary. The member may proceed.

**The Hon. TAYLOR MARTIN:** As well as addressing power supplies Egypt will also have a significant desalination capacity to provide water in this mostly desert country. This month a similar story emerges from the United Arab Emirates, except that they have actually completed their project and their first nuclear power plant has now begun operations at Barakah. The South Korean built reactor is the first of four that will come online over the coming years. The plant will be able to produce one-quarter of the United Arab Emirates' electricity at one-quarter of the cost of the gas and they plan to export that power to other Gulf countries.

Closer to home, Indonesia is also considering a proposal for a nuclear power plant. Despite operating three research reactors and no power plants so far, national acceptance of nuclear power has been polled at 77 per cent. Bangladesh is another country in our neighbourhood that is building nuclear power plants, with two new power stations to be completed by 2025. As neighbours we are missing significant opportunities by being so ignorant and not engaging with this industry strongly as our neighbours begin to engage and move ahead with the next generation of nuclear technology. After decades of promises and subsidies for wind and solar we still generate just over 7 per cent of our electricity in New South Wales from renewable sources, as outlined in the NSW Electricity Strategy. These sources are never going to power the competitive industrial manufacturing economy that New South Wales deserves.

I am not convinced that wind and solar firming with gas, batteries and pumped hydro could provide 10 per cent of the State's future low emissions electricity needs while keeping costs down for residential and business consumers. Small modular reactors certainly could be the replacement for our coal-fired baseload that we keep searching for. In these new designs we have a secure, reliable and dispatchable form of electricity capable of filling the gap that will soon be left. In addition, nuclear power is emission free, and will therefore greatly assist our State and country to reach net zero emissions without the sacrifices that would be required if we rely solely on intermittent wind and solar.

This technology agnostic approach is similar to the approach that was adopted by the Democrats in the US as part of their platform at the convention just last week. For the first time since 1972 the Democrats have acknowledged the positive role that nuclear energy can play in energy generation. In particular, it mentions the urgent need to decarbonise the power sector: Our technology-neutral approach is inclusive of all zero carbon technologies including hydroelectric power, geothermal, existing and advanced nuclear, and carbon capture and storage.

I will comment on the safety of both uranium mining and nuclear facilities, as our inquiry spent much time looking at those issues. When managed safely, the annual exposure to ionising radiation for a mineworker is incredibly low at just one millisievert per year. That is less than half of what a domestic airline pilot is exposed to in their job. It is also much less than the exposure received during a CT scan, which is five millisieverts. I have had three CT scans in the past year. That would expose me to around 15 times more radiation than a mineworker would be subjected to. Parliament House in Canberra emits more radiation than a nuclear power plant may do in New South Wales because of the large amount of granite and other natural stone used in its construction. Those materials naturally emit radiation through trace amounts of uranium. A recent fact sheet from the Minerals Council of Australia stated, "Although the levels are minuscule, they are likely higher than would be acceptable at an Australian nuclear power station."

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call Mr David Shoebridge to order for the second time.

**The Hon. TAYLOR MARTIN:** Exposure to radiation had no impact on the Hon. Mark Latham during his 11 years in Canberra—though some members may argue otherwise. The safety of nuclear technology has advanced in leaps and bounds since the 1980s and it is now worthy of consideration in the State's future energy mix. In May 2016 this view was shared by the Nuclear Fuel Cycle Royal Commission in South Australia in its report to the Labor Government. The commission found sufficient evidence of safe operation and improvements such that nuclear power should not be discounted as an energy option on the basis of safety. In addition to the gains in safety in the design of reactors, nuclear power plants have a tangible impact on human health. A study in 2013 found that the employment of nuclear power globally has prevented an estimated 1.84 million air pollution related deaths and 64 gigatons of greenhouse gas emissions that would otherwise have resulted from burning fossil fuels. It is a good thing that Australia is an active participant in global nuclear discussions through Australia's Nuclear Science and Technology Organisation.

It was a finding of the inquiry that Australia's engineers, nuclear physicists and other scientists are highly esteemed and serious players on the international nuclear science and technology scene. The presence of those individuals working in New South Wales forms an important part of our research and engineering community, and provides New South Wales with a competitive advantage by following closely any international developments in energy technology. In particular, the nuclear research cluster at ANSTO is very valuable. However, we must play an even greater role in the nuclear fuel cycle. Not doing so is a real national security risk. Other countries may get in on the action and develop a nuclear industry in our own neighbourhood while we are left behind by our own ignorance. The strategic importance of a role in the nuclear fuel cycle has been recognised by the United States Government. In 2019 the Nuclear Fuel Working Group was formed and tasked with crafting a plan to reassert the United States' nuclear energy dominance.

I will briefly mention nuclear waste. I will go into detail if time permits, because nuclear waste will no doubt be taken into consideration by some members when contemplating the merits of repealing a ban on uranium

mining. When fully encapsulated, stored, recycled or disposed of in purpose-built facilities, and when handled by experts in radiation protection and nuclear safety, the risk to the public from spent nuclear fuel is negligible. It is absolutely minuscule. All of Australia's used fuel from the Open Pool Australian Lightwater reactor is sent to France for reprocessing. This process allows for the recovery and reuse of unexhausted fuel. A small amount of residual waste is then shipped back to Australia for management and disposal. I have actually sat on the container at Lucas Heights that holds Australia's spent fuel safely. The South Australian royal commission found that the storage of used fuel and intermediate-level waste could be undertaken safely in a permanent geological disposal facility in South Australia. This would have the potential to deliver significant intergenerational—

**Mr David Shoebridge:** On Aboriginal land. You want to put your waste on Aboriginal land.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! I call Mr David Shoebridge to order for the third time, which he no doubt intended. According to Standing Order 192, I order the Usher of the Black Rod to escort Mr David Shoebridge from the Chamber for the balance of proceedings this day.

*[Pursuant to standing order Mr David Shoebridge left the Chamber, accompanied by the Usher of the Black Rod.]*

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** There is not much longer to go. The Hon. Taylor Martin is not the only member on two calls. We are going to get through this business without pointless interjections. Members need to show a degree of discipline.

**The Hon. TAYLOR MARTIN:** As I was saying, intermediate level waste could be undertaken safely in a permanent geological disposal facility in South Australia. It would have the potential to deliver significant intergenerational economic benefits to that community. Furthermore, it must be made clear that the issue with waste is not that there is no solution; the issue is that there is an array of options available between permanent storage—say with synroc and Australian technology—or reprocessing fuel for future use. I would have spent more time on this tonight if time permitted and stunts were not pulled.

In November 2019 the District Council of Kimba, South Australia, conducted a ballot in relation to the construction of a national radioactive waste management facility, two of which were within its own local government area. Some 61.6 per cent of residents polled were in favour of the facility. In February 2020 the Commonwealth Government identified Napandee near Kimba in South Australia to host the facility. It proved that when the local community is engaged and empowered, it is able to have a rational debate. Concerns around nuclear waste need to be compared to the waste caused by cheaply made, imported, non-recyclable photovoltaic solar panels and associated batteries. The International Renewable Energy Agency estimates there will be 78 million metric tons of solar panel waste by 2050.

Finally, I am looking for an outcome on this issue as most members of the Chamber know. I recognise that as a member of the Legislative Council it is extremely unlikely that the Government will ever have an absolute majority going forward. I would never make a decision to oppose a bill based on the party that the member who moved it is in. Last year a bill for abortion law reform was moved by a non-Government member and it was supported by many Government members. It is a reality of this term of Parliament. As a member of the Liberal Party in a Coalition Government, there is a well-established process when it comes to the adoption of policy.

The Cabinet considers a bill and it is then put before and debated by the joint party room. This process is still playing out. No matter what I believe or how strongly about the subject matter, I am a strong believer in this process. Until the Liberal Party and The Nationals are able to properly discuss these issues in the party room, I would strongly advise the mover of this bill to accommodate the adjournment and leave it in play. The bill should not be voted down tonight just because our process has not played out yet. The Government has clearly been working towards this timeline. The committee came to this subject with a lot of goodwill. I suggest that the good faith shown by committee members during the deliberations that have taken place over the past 15 months should be extended to the Government as it works through the process.

**Ms ABIGAIL BOYD (23:44:08):** I stand here tonight as a proud member of a political movement that has its roots firmly in the ongoing campaign for nuclear disarmament. Peace and non-violence and environmental sustainability are founding principles of The Greens and are at the core of what it means to be a Greens MP and a Greens activist. Grassroots campaigners and organisations across the country have long stood against those who continue to push the fallacies and fables of the nuclear industry. First Nation communities continue to stand against uranium mining and the destruction of their land, water and country. Alongside these tireless campaigners and activists, The Greens will continue to fight against uranium mining and nuclear energy. We will not stop. Uranium mining is a dead end for New South Wales. Nuclear energy and uranium mining are dirty, dangerous and obsolete. The price of uranium is already in terminal decline and the prospect of mining uranium in New South Wales is "beyond remote given the economics", according to industry sources. It is not even appealing to Ministers in the Liberal Party, as we have seen reported in the media over the past week.

It is telling that instead of embracing the jobs-rich, clean energy, renewables revolution, proponents of nuclear are reaching back to the 1950s to cling desperately to old ideas that are long past their use-by date. Nuclear power is not part of the future energy mix of New South Wales. As much as the Minerals Council might hate to hear it, our future energy sources will not be reliant on the mining industry. Nuclear power is not a useful part of a modern energy mix. Nuclear power production peaked in 2006 and, because it is slow to react to changes in supply and demand, it works poorly with solar and wind—the real energy superstars of the world's future energy supply. That change is already underway. You cannot stop it even if you wanted to. You will just have to adapt to clean energy and get your head around the science of how the lights will still come on when the sun goes down.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** Order! The member will be heard in silence.

**Ms ABIGAIL BOYD:** Nuclear power is slow to build. It takes on average 9.6 years to build a nuclear power station. Those pushing for this ban to be overturned admit this themselves, catastrophising about having no time to lose and scaremongering about mythical power emergencies. Nuclear power is not emissions-free. Mining, processing, plant building, storage, clean-up and waste disposal all produce large quantities of dangerous greenhouse gas emissions. It is slightly cleaner than coal and gas, but they are no longer the yardsticks. When compared to wind, solar and other emerging cutting-edge renewable energy technology such as geothermal and wave, nuclear does not stand a chance.

Renewables are where the smart money is now. Nuclear power uses vast quantities of water—impossible on the driest continent on earth that is already ravaged by drought and water mismanagement. And no-one wants nuclear power plants along our beautiful coast. Nuclear power is not safe. Chernobyl and Fukushima show that when things go wrong with nuclear power, they go wrong in a big way and leave a toxic legacy for generations. Australian uranium was in the Fukushima reactors when the tsunami struck. Australian uranium continues to pollute our oceans, cause cancers, deaths, stillbirths and birth defects and prevents 100,000 people from returning to their homes.

Uranium mining produces vast quantities of toxic waste. While proponents of nuclear power will tell you that spent fuel rods take up very little space, they ignore the waste left from the mining. At the time of extraction of uranium from the ore, about 85 per cent of the original radioactivity remains in the mill tailings, mainly as isotopes of thorium and radon. According to the United Nations Scientific Committee on the Effects of Atomic Radiation, the global component from mill tailings is the most significant source of radiological exposure in the entire nuclear fuel chain. The Olympic Dam mine in South Australia has produced more than 180 million tonnes of radioactive tailings, covering an area of 9.6 square kilometres—one-third larger than the Melbourne CBD and around 30 metres or 10 storeys high. They stop radioactive dust by spraying it down with water. Radioactive radon gas is released into the atmosphere. Contamination leaches into groundwater. How long must those tailings be stored to ensure safety? Some 10,000 years, according to Australian standards. Do members of this place want to leave that legacy for our regional and rural towns?

There are almost no jobs to be found in uranium mining. The real jobs creation blueprint can be found in *The Million Jobs Plan*, released recently by Beyond Zero Emissions. It is a plan written by scientists, engineers and economic and technology experts. It proposes long-term, clean, secure jobs throughout Australia, including rural and regional communities, that reactivate the economy and reskill our workforce. Unsurprisingly, Beyond Zero Emissions does not propose that a single job is needed in uranium mining. Right now across Australia fewer than 1,900 people are employed in the uranium mining industry, including in its regulation. Many of them are fly-in fly-out workers who do not add to the local economy of communities. Instead, those communities lose jobs in agriculture and tourism due to the impacts of mining. Uranium mining may well end up being "jobs negative" in affected areas. The Electrical Trades Union [ETU] is strongly opposed to overturning this ban. ETU national secretary Allen Hicks said on 21 August that uranium mining is not in the public interest. He stated that this exploitation of natural resources:

... creates major health and safety risks for local communities and workers which far outweigh any perceived economic benefits.

Experiences in other States show that uranium mining is environmentally devastating. Open-cut mines destroy ecosystems, devastate irreplaceable cultural lands of First Nation peoples and are impossible to remediate, despite decades of broken promises. We know from coalmining in New South Wales that mining companies and the governments who are tasked with overseeing them have repeatedly failed to contain toxic waste, clean up the damage, restore ecosystems, and protect our land and water. Why would we trust them to be responsible for an even more toxic resource?

Nuclear power is not legal or viable in New South Wales. Federal laws do not allow nuclear power in Australia. The price of uranium has fallen since Fukushima and the Federal Government inquiry into nuclear power concluded that it is an unlikely source of energy for Australia. Why then does this bill call for us to lift the ban on mining uranium, a product that cannot be used under Federal law? How long until that law is overturned,

licences are issued and planning permission granted? Is it two years, five years, 10 years? Add to that another decade to build the power plant and the State will already be running on renewables. The nuclear lobby will have completely missed its run, not because the conservative dinosaurs among us have caught up but because the community and the market have left the idea of nuclear far behind.

Any uranium mined today will only end up being exported and enable further production of nuclear weapons because, despite the Treaty on the Non-Proliferation of Nuclear Weapons, the export of uranium to countries with nuclear weapons allows them to utilise their own or other sources of uranium for use in weapons while using Australian uranium for power. If members approve uranium mining in New South Wales they will make hypocrites of the people of New South Wales by claiming to work to prevent deadly nuclear weapons while doing the very opposite in substance. This is a future no-one wants: mining a product the world no longer needs. It has no social licence, and it never will have. There is no mandate for this bill. There is no community support for it, no jobs in it and no need for it. Guess what is clean, safe, affordable and highly prized by this community? It is renewables. The rest of the world is embracing the renewables revolution. It is time we did too.

**The Hon. ROSE JACKSON (23:53:24):** In the brief time that I have to contribute to this debate I make it clear that New South Wales Labor has long opposed the exploration and extraction of uranium in this State and its export from New South Wales. We remain unconvinced of any benefits that nuclear power may bring and mindful of the challenges caused by how to manage and store spent fuel rods and radioactive waste that lasts many lifetimes. A Labor Government will maintain a ban on uranium exploration, extraction and export. Those are not just my words and do not just represent my views. They are a direct quote from the New South Wales Labor platform, which is a document that has been developed over many decades in collaboration with the entire labour movement. This document, which is binding on all Labor members of Parliament, represents the core values and beliefs of our party and our promise to members of the community about things we will do, if given the privilege of governing. This commitment is an important part of the democratic covenant.

It is my view that you should not propose something as significant as the introduction of uranium mining and nuclear power in New South Wales—issues that have been litigated through community campaigns for decades—without taking that proposition to the community and without taking that question to the election. That is exactly what members of the Government are contemplating doing. If indeed that is the policy the Government develops I say, "Take it to the next election." The Government should say, "This is our vision for energy policy in this State. This is our plan for the direction of energy policy and we are going to put it to you, the community, to test at an election." That is a fair proposition whereas this bill is a complete abdication of leadership on the incredibly important issue of energy policy in this State.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The Opposition Whip will cease interjecting.

**The Hon. Mark Latham:** Ah, delegates!

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I warn members, including the Hon. Mark Latham, that I will start calling members who interject to order. Only five minutes remain for this debate before the hard adjournment is moved.

**The Hon. Mark Latham:** Comrades, delegates!

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I remind the Hon. Mark Latham that this is his bill. He should cease interjecting. With five minutes to go before closure of this debate, we will hear the Hon. Rose Jackson in silence. The Hon. Rose Jackson will please proceed.

**The Hon. ROSE JACKSON:** The proposition that nuclear power is somehow an answer to the climate crisis has been lamely thrown at opponents of uranium mining in a completely ham-fisted attempt to wedge us. When my eight-year-old daughter started wearing scrunchies recently, I thought I had seen the worst of the return of the 1980s but in fact I was wrong. For people who are proposing these policies it is as though the last 30 years of scientific development just did not happen. It is as if the renewable energy industry just does not exist as a cheaper, cleaner and more readily available energy source than is nuclear energy. But, guess what? It does exist. Just like a more advanced fashion than stonewashed jeans thankfully have been developed since the 1980s, better energy sources do exist. This is a 1980s era debate. This bill represents 1980s technology. This is 1980s cutting-edge science—except that this year is 2020.

We have heard some backers of nuclear energy talk about the modern developments of small modular reactors. However, they do not exist. No country has produced a commercially viable sample. They remain at best a future possibility, not existing technology—not even near future technology. Even if they are created, they still produce waste that remains toxic for many tens of thousands of years. We all know what the future looks like. The Minister for Energy and Environment belled the cat: It is renewable energy and storage. There are considerable economic and employment opportunities in supercharging these pre-existing industries. These

industries are perfectly suited to Australia's geography and climate. They can be established almost anywhere in New South Wales as opposed to attempting to build an entirely new uranium mining industry in this State.

According to the Climate Council if we switch to 50 per cent renewable energy by 2030—I emphasise that it is only 50 per cent by 2030—that will lead to the creation of over 28,000 jobs. That means actual jobs will be available in existing technology that we can use and roll out across New South Wales right now. We have a choice between a 50 per cent increase in employment in the energy industry compared to business as usual on the basis of 50 per cent renewables by 2030. Unlike other industries in which jobs have moved offshore, the renewable energy industry in New South Wales is perfectly placed to take advantage of green stimulus measures that the New South Wales Government should be rolling out. It is wrong to suggest that the renewable energy industry in New South Wales has had subsidies and support piled on. In fact, that is far from the case. Compared to other jurisdictions the support for renewable energy in New South Wales, where we have no renewable energy target and no emissions reduction target, is far from adequate.

In truth, nuclear cannot compete with renewables and battery storage on both economics and availability. Renewable energy is far less dependent on location. It can be rolled out quickly and efficiently and can be deployed in both large- and small-scale smart networks, thereby greatly differing from the exhaustive raw materials required to produce nuclear power. Yes, renewable energy was fairly costly in the past but the cost is steadily decreasing and will continue to do so as the use becomes more mainstream. As more money is devoted to renewables, innovation will blossom, efficiency will increase and prices will drop—further undermining any future viability of potential nuclear technology. In terms of economics and scale, all of the components of renewable energy are now recyclable. It is wrong to suggest that there is a long lag in the inability to recycle renewable energy technology. That is just not true, and it has not kept up with the latest science. Renewable energy does not pollute farmland and water supplies; it is very safe. Stabilising the climate is urgent. We need to take action right now. Nuclear power is slow. The installation process of renewable energy is far quicker than nuclear power.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** According to sessional order, it being midnight proceedings are interrupted.

*Adjournment Debate*

#### ADJOURNMENT

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I propose:

That this House do now adjourn.

#### ANIMAL AGRIBUSINESS INDUSTRY

**The Hon. EMMA HURST (00:00:15):** There is a horrifying secret in the animal agribusiness industry: To keep animals alive in squalid conditions and to make them grow faster they pump animals full of antibiotics. This regular antimicrobial use can cause superbugs and human antibiotic resistance, putting both human and non-human lives at extreme risk of deadly disease outbreaks. Most antibiotic use in Australia—in fact, over 70 per cent—is used in animal agribusiness and veterinary science. This is because instead of treating disease only in affected animals, the animal agribusiness industry treats all animals knowing that the conditions that they are held in will likely cause disease, and that the antibiotics will promote rapid growth of animals.

With broiler chickens being housed in sheds containing thousands of birds, egg-laying hens imprisoned in battery cages and pigs crowded in filthy sow stalls, it is no surprise that animal agribusiness is a breeding ground for disease. But pumping animals full of antibiotics to combat the immunosuppressive effects of stress on these animals is not the answer. In fact, it is creating its own dangerous problems. The Australian Veterinary Association calls antibiotic resistance a global animal and human health emergency, and for good reason. Antibiotic resistance to common bacteria is rapidly emerging. In Europe 33,000 people die every year due to antibiotic-resistant infections and in our globalised world these organisms quickly spread from country to country, with multidrug-resistant diseases such as tuberculosis already spreading to Australia.

Without minimising the use of antibiotics, the increase in antibiotic resistance is predicted to kill 10 million people annually by 2050. This growing crisis can no longer be ignored. For those who eat meat, the overuse of antibiotics poses an especially high risk. Coccidiostats are routinely used in the broiler industry in Australia to avoid the disease coccidiosis, which is caused by forcing chickens to live in their own excrement for several weeks. However, coccidiostats also disrupt the natural flora of the gut, enhancing feed absorption and allowing for faster weight gain. In other words, these drugs promote rapid growth. Salinomycin is another antibiotic-type drug that increases nutrient absorption across cell membranes in the gut and can lead to an increased mean body weight compared to chickens who are not fed salinomycin.

Australia also imports meat containing high levels of antibiotic residues—for example, prawns are mainly farmed where effluent management is generally poor and are "treated" by the unregulated use of antibiotics. For those who ask why this is an urgent issue, the answer is simple: while the COVID-19 pandemic did not come from farmed animals, the next one may. Three in four emerging infectious diseases in humans are passed on from animals—often those used by animal agribusiness—including strains of swine flu, avian flu and Nipah virus. Intensive animal agribusiness involving large numbers of animals held together, confined indoors in a state of chronic stress, with lowered immunity and forced to endure live transport, creates the perfect environment for deadly diseases to mutate and spread rapidly.

These diseases, known as zoonoses, easily spread to humans through direct contact with infected animals or indirectly through animal waste or animal products. It is likely that they will be the cause of our next pandemic, and we will be facing it with immune systems compromised by antibiotic resistance. To ensure antibiotics remain effective for decades to come they need to be properly managed. The best way to ensure antibiotics remain useful in future, and to reduce the selection pressures favouring resistant organisms, is to reduce the overall amount used. Regulatory changes, including implementing moratoriums on factory farms and eliminating antibiotic use as an animal growth promotant will all help. In fact, this is already being done in the European Union that banned the use of antimicrobials as growth promoters in 2006.

The real change will come when we make the move away from animal agribusiness and support farmers to move toward healthy, sustainable plant-based farming. We are not only sitting on a ticking time bomb but also actively helping to grow the risk by continuing to support the dying animal agribusiness industry. It is time to protect our communities and animals. It is time to support a transition out of animal agribusiness and shift to sustainable plant-based farming. Antibiotic resistance is a real risk, and the solution is a transformation.

#### WYONG HOSPITAL

**The Hon. TAYLOR MARTIN (00:05:07):** Earlier this month I was pleased to join with Premier Gladys Berejiklian, the Minister for Health and Medical Research, Mr Brad Hazzard, and the Parliamentary Secretary for the Central Coast, Mr Adam Crouch, at the topping-out ceremony for the next six-storey clinical services building at Wyong hospital. The \$200 million Wyong hospital redevelopment will deliver an increase in overall service capacity and enhanced health services for the Central Coast community, particularly for those who live in the northern part of the Central Coast. By 2041 the Central Coast region is expected to be home to an additional 95,250 residents and many of them will be concentrated in new land releases close to Wyong hospital.

The redeveloped hospital at Wyong will include a new emergency department, a new intensive care unit, a new psychiatric emergency care centre, a new ambulatory paediatric unit, a new and expanded medical imaging department, a new 28-bed medical assessment unit and additional 60 in-patient beds, with a future expansion space. The redevelopment will also include a refurbishment of the existing hospital to provide more operating theatre capacity, an expanded medical day unit and an expanded transit lounge. In addition, a new car park has already been completed, with 320 additional parking spaces to cater for visitors and staff to the hospital—which brings the total number of spaces available to 500.

Redevelopment of the hospital is on budget and construction is on track for the new building that should be complete in mid to late 2021, with the refurbishment to be finished in early 2022. Some 800 people will be employed on the redevelopment of Wyong hospital and it is particularly great that 650 of them will be Central Coast locals. Since 2011 more than 130 hospital and health facility projects have been completed and nearly 90 projects, including Wyong hospital, are currently underway throughout New South Wales. More than half of those projects are based in regional New South Wales.

Another project is the new \$470 million Maitland Hospital at Metford where work is progressing extremely quickly. The main works began in December and I was there in February for the first concrete pour for the main building. Earlier this week I was very pleased to see the Minister for Mental Health, Regional Youth and Women, the Hon. Bronnie Taylor, at its topping-out ceremony. It is a remarkable pace of construction. The new hospital is on track to open in early 2022. The new hospital will provide the infrastructure required to respond to the anticipated growth in the Maitland region. It will feature emergency services; an emergency short stay unit and psychiatric emergency care; intensive care and critical care; medical and surgical inpatient services; a perioperative suite, including enhanced day surgery; maternity services and delivery suites, including assessment rooms; paediatric and adolescent services; imaging and support services, day chemotherapy; mental health, including an acute inpatient unit, rehabilitation; and ambulatory care and outpatient clinics.

Almost 5,000 new jobs are being created as part of the Maitland Hospital redevelopment plan, which is supported through the Maitland Connectivity Centre. The centre, which is run by Multiplex Constructions in partnership with the New South Wales Government, offers free training and job placement services throughout the project. I opened the centre earlier this year and it is pleasing that so far nearly 50 candidates have been placed

into employment opportunities on the project so far. I do not think we needed a one-in-100-year pandemic to remind us of the importance of having a world-class health system, but COVID-19 has definitely made us more appreciative of it. I am glad that we have a Government in New South Wales that is making record investments in health infrastructure like at Wyong and Maitland hospitals.

### **MODERN SLAVERY ACT 2018**

**The Hon. GREG DONNELLY (00:09:22):** Just when I thought I had seen and heard it all in this House, earlier today a member of the Government addressed the House with an almighty spray, using words and theatrics which, I believe, she will not live down anytime soon. Significantly, that honourable member is the Parliamentary Secretary to the Attorney General, Mr Mark Speakman, who is the first law officer of this State. During question time she castigated and ripped strips off the Opposition for asking a question—indeed, it was the Opposition's leading question—about why the Government had not brought into force the Modern Slavery Act 2018, which was passed unanimously by both Houses of this Parliament and was given royal assent by the Governor of New South Wales on 27 June 2018, exactly 26 long months ago.

Call me old-fashioned but I believe if the Parliament passes a new law unanimously in both Houses, with the Premier, Gladys Berejiklian, taking charge of its passage in the other place with a rallying call on 6 June 2018 that "there is an undeniable moral imperative to take action in relation to all forms of modern slavery", it is unsurprising that the Opposition would make it a major priority to prosecute in the House this week. In fact, it would be most surprising if it did not, given the huge interest in the matter right across the State.

It may be the case that the honourable member had one too many strong coffees this morning before castigating the Opposition in the manner she did. If so, she could take the opportunity to give a personal explanation to the House. She knows that we are a forgiving mob and that all members have misspoken in this place at one time or another. However, that will not happen because, irrespective of how many coffees she may have had this morning, Government members in this and the other place have determined that, notwithstanding the unanimous passage of the Modern Slavery Act 2018 over 26 months ago, that significant legislation will not enter the statute books of the State.

The Premier, the Cabinet and all Government members have brutally rung the neck of the Modern Slavery Act 2018 at birth before it has had the chance to draw its first breath. The whole rotten, stinking matter—a case of egregious betrayal of this Parliament and the citizens of this State—while never acceptable would at least be understandable up to a hard-nosed political point if the Government had fought hard and tenaciously against the proposed legislation. But the exact opposite was the case. The Premier, who needed the support of the two Christian Democratic Party members of this House to get the legislation through the Parliament, deliberately and consciously threw her full weight and that of the Government behind the groundbreaking legislation and enthusiastically basked in all the political glory of being on the side of angels.

Fast forward to this Fifty-Seventh Parliament. Sadly, the primary architect of the legislation who worked tirelessly across the aisles to secure its ultimate passage was not re-elected at the March 2019 State election. More to the point, with the changed configuration of party membership in the Legislative Council following the election, the Government could no longer depend on a convenient and reliable block of votes to get its business done—namely, the two votes of the Christian Democratic Party in the previous Parliament. The happy days for the Government in the Legislative Council were well and truly over.

A further point has not received the attention it deserves: The big end of town has told the Government that it is not necessary to proclaim the New South Wales Act because Commonwealth legislation operates now in the area—legislation that is vastly inferior to the State legislation in a number of respects. Indeed, they are insisting that the legislation not be proclaimed. Despite the arrogance and the belligerence of the Premier and the Government, they will not prevail and cannot be allowed to prevail. The Modern Slavery Act 2018 is unfinished legacy business from the last Parliament. What is legal and proper and just will prevail, no matter how long it takes.

### **ELDERSLIE PUBLIC SCHOOL**

**The Hon. MARK LATHAM (00:14:15):** While many things have gone wrong in the New South Wales school education system, it is also important to remember that some things have gone right. We still have some best practice schools in this State. Indeed, I visited one last Friday, the Elderslie Public School, Camden. Visiting schools is the best way to learn about the New South Wales education system, its strengths and weaknesses. As chair of Portfolio Committee No. 3 - Education, I have visited 27 schools over the past 15 months. I was surprised to learn recently that in his two years completing the New South Wales curriculum review Professor Geoff Masters did not visit a single New South Wales school during school hours. He does not know what he is missing out on.

At Elderslie Public School quality classroom instruction is being achieved through the John Hattie visible learning approach. It involves four key insights. First, building on the best learning dispositions of teachers and students such as curiosity, collaboration, determination and optimism. Secondly, get the learning processes and motivations right. Thirdly, make the learning visible and accountable so that every student knows where they are at, where they are going and what the next steps are. Finally, build a culture of constant feedback, a rich interchange of knowledge and ideas between the teacher and students, not just about classroom content but also how both teachers and students can be more effective in what they do.

The learning process must be a dialogue, not a monologue where teachers talk non-stop at the students, assuming that the students are empty vessels into which knowledge can simply be poured. So too the feedback culture means that teachers need to be more than so-called learning facilitators walking around classrooms, coffee cup in hand, while students struggle to learn in so-called self-starting groups that never really start up. At Elderslie Public School I visited a year 2 class—these are children aged seven—who told me how they measured the evidence of what they had learned, recorded it and then confidently moved on to the next steps in collaboration with their teacher. They were learning literacy at the time. It was an impressively adult-type conversation—year 2 students full bottle on the evidence and the visibility of their learning. The school has also developed advanced information technology [IT] systems where this evidence is communicated to parents. That is a refreshing change to schools that see parents as a nuisance and to be kept out of the learning process.

Prior to the introduction of visible learning, the school felt that it was only ever rescuing its students. Now it is challenging them and taking them to higher levels of achievement. Progressive achievement tests are used twice a year to monitor student progress with impressive growth data being recorded. A clear majority of students at Elderslie Public School are recording in excess of one year's learning growth for each year of school. Yes, their 2019 NAPLAN results were disappointing but the progressive achievement test data indicates that was a product of the disruption caused by NAPLAN going online. Every teacher at Elderslie Public School has bought into the visible learning program, giving the school the benefit of a collective unified teaching method and professional development workshopping. In literacy teaching the school has moved away from the problematic language, learning and literacy, the L3 program, and embraced the superior Centre for Education Statistics and Evaluation evidence-led approach. It opted in for the new year 1 phonics check introduced by the Minister and the results have been incredibly important, reversing the understanding of the school under L3. The phonics check is now being applied to year 2 students, such is its usefulness.

Testing and checking are the only reliable ways of assessing student progress, building on strengths and correcting the weaknesses. Elderslie Public School is an inspirational school and an example of best practice that needs to be scaled up into every classroom in the State. We know what works in school education and it is a tragedy for our society that the systems are not in place to make best practice universal. Adrian Piccoli and his failed Local Schools, Local Decisions policy has much to answer for—the great wrecker of educational opportunity in New South Wales. Elderslie Public School has defied the statewide trend through high-quality classroom practice backed by data and evidence and ignoring fad experimental teaching and the nonsense heard and promoted at money-gouging professional development conferences.

Elderslie Public School does not concentrate on student behaviour. It prides itself as a place of learning. It regards the best behavioural program and the best form of student wellbeing to be engaged learning, with its students animated, excited and optimistic about their education. I congratulate Elderslie Public School principal Melissa Clarke and each of the staff and students at the school on their achievements. I met with year 5 and year 6 student leaders and they were among the most articulate, clever, confident and impressive students I have ever met in my 20 years visiting schools. They are the future of New South Wales and Australia; they are an inspiration. I congratulate them on their wonderful achievements.

### QUEENSLAND HARD BORDER CLOSURE

**The Hon. CATHERINE CUSACK (00:19:28):** I raise the troubling issue of the hard border closure by the Queensland Government and its impact on the New South Wales Far North Coast in particular. Lismore City Council is currently undertaking a survey of affected people. Some 220 residents have already completed the survey. Mayor Isaac Smith has described their stories as heart-wrenching. The hard border closure has affected access to medical care, families have been divided and it has had profound impacts on both large and small businesses. Residents of Tweed have been profoundly affected. Their local member, Geoff Provest, has been working hard on the issue. Tweed and Coolangatta are fully integrated communities. For example, young children with disabilities go to a special preschool on one side of the border, while older children with special needs go to primary school on the other side of the border, and transport is provided for children at both facilities. The hard border closure has created a nightmare for many people who have been getting on with things quietly for years.

Further west, agriculture has been severely disrupted. Janelle Saffin has commented on the way Queensland has defined the so-called border bubble, which has confused everybody. How could Woodenbong be

inside the bubble, but not Urbanville? Warwick in Queensland is the commercial centre of the region and includes all the stockyards. In my community of Lennox Head a family whose daughter was selected to play netball for the Gold Coast—which is a pathway for her to play for Australia, and we believe she can do it—has had to make the awful decision to split so that she can pursue her dream. She lives with her mother on the Gold Coast while her dad and the younger kids stay in Lennox Head. Many families are separated. Simon Perrow, who lives on the Sunshine Coast, has a former partner and eight-year-old daughter who live in Bangalow. On 7 August he drove to see his daughter one last time before the hard border closure and he has not seen her since. She is really suffering.

I empathise with that story. My younger son is an adult studying at Griffith. He rushed home to Lennox Head on the same day that I caught an early flight home so that we could see each other. I do not think we will see him for Christmas. There were already Queensland border restrictions so he had a special border pass, but he sat in a huge queue for over an hour on the motorway to get back before the hard closure. I am not complaining about the delay. I am trying to indicate how many people have been trapped by the sudden arrangement. The situation is utterly dystopian. Last week a 14-year-old Tweed boy with a double lung transplant missed his appointment with his specialist in Queensland. I have a friend in Bangalow who gave birth to twins just prior to the hard closure. It was a challenging birth and her hospital and specialist were in Queensland. She is one of many new mothers who have been cut off from their doctors.

During the brief period that the border was open, my husband and I took a short holiday in Queensland. We encountered a lovely young couple from Victoria who had been in the region for three months and who told us of disturbing abuse that ordinary Queenslanders had directed at them because of their number plates. The Queensland Police Service was so overwhelmed by similar reports that it was forced to issue a media release telling people that there are many legitimate reasons for vehicles to have Victorian number plates in Queensland and to stop assuming that Victorians were there illegally. I understand the desire to control coronavirus, we all do, but there is a nasty edge to how the policy is playing out. When the Queensland Premier told New South Wales North Coast residents that Queensland hospitals are for Queenslanders and New South Wales hospitals are for New South Wales residents, our health Minister expressed his astonishment. We all agreed—and that is being polite.

The Premier's statement showed pig ignorance not only towards us but also to the way in which her own Queensland citizens work and to the way in which her own hospitals work. Queensland hospitals are fully integrated, including the health workforce. Nurses and doctors work across the border. All local MPs, including members of The Nationals, the Liberal Party, the Labor Party and The Greens, have appealed to the Queensland Premier to be compassionate. But let us be more than that; let us be smart. The definition of the border bubble has been bungled because there was no consultation. Queensland has acted unilaterally and the onus is fully on Queensland to make this work. For too many citizens of Australia the hardship that has been inflicted is disproportionate, unwarranted and demands an urgent solution.

### NSW BUSHFIRE INQUIRY

**The Hon. ROSE JACKSON (00:24:35):** I was pleased to see the release of the final report of the NSW Bushfire Inquiry earlier this week—unfortunately, not a moment too soon. Last year the 2019-20 bushfire season officially began a month earlier than usual, on 1 September, and this year on 1 August the RFS declared a bushfire danger period in northern New South Wales. Then last week we saw the deployment of water bombers to fight a fire in north-east New South Wales. It is clear that even winter communities across New South Wales are not safe from bushfires—the new normal, indeed. It is encouraging that the Government said it will accept all the report's recommendations in principle, and it is critical they are implemented as soon as possible. As the report states, while climate change does not explain everything that happened, it is clear that climate change played a role in creating the conditions that led to devastation across our State over the 2019-20 fire season.

The report also comes to the sobering conclusion that New South Wales should "expect fire seasons like 2019-20 or potentially worse to happen again." In its submission to the inquiry the Independent Bushfire Group, including fire managers, researchers and former leaders of the NSW Parks and Wildlife Service and the Rural Fire Service, warned that climate change is increasing the frequency and intensity of fires in south-east New South Wales, as well as the consequences of bushfires for the people of New South Wales. Last week IAG, Australia's biggest general insurer, warned:

... bushfire risk is increasing across the country mainly due to higher temperatures coupled with lower humidity and higher evaporation rates.

It listed the Blue Mountains, Central Coast, Sutherland shire, Wollongong and Wollondilly as the most high-risk regions in New South Wales. The inquiry was an opportunity to learn from tragedy; to gather evidence from experts and affected communities, and inform policy change. As we dealt with the fallout from the black summer

earlier this year, there were those who tried to discuss the relationship between climate warming and fire frequency and intensity. We were told "now is not the time". Even though this was debatable then, those who made that claim must surely accept—with the report at hand and its conclusions stating clearly that climate change played a role—that now is the time, now must be the time, to have that conversation.

It was great to see, with such clear conclusions in the independent Bushfire Inquiry, the admission by the Premier that climate change played a role. But this week the Government has shown where its true priorities lie. We have a report that states that climate warming played a role in the bushfires, and will play a role in those to come. We have had urgent calls from affected communities, firefighters and emergency service leaders for action on climate change and increased renewable energy. But as the new bushfire season begins, what is the New South Wales Cabinet spending its time on? Instead of taking the challenge of climate change head-on and embracing the opportunity before us to make Australia a renewable energy superpower, investing in green stimulus programs that could set our economic recovery on a path that delivers jobs and industries of the future and a cleaner environment, the Cabinet is fighting over who gets the credit for the Hon. Mark Latham's ludicrous nuclear fantasy.

Those in the nuclear power industry have described the prospect of uranium mining in New South Wales as "beyond remote given the economics". We have the geography, the climate and the technological know-how right now in this State to supercharge the renewable energy industry. It is right there within our grasp, but no. As the new bushfire season begins, the Deputy Premier—Queanbeyan's own "Mr Burns"—is focused on turning Singleton into Springfield, overturning the ban on uranium mining that has kept New South Wales safe for decades. It is well past the canary in the coalmine on climate change. We are well past playing footsy with One Nation over nuclear power. The Bushfire Inquiry has provided the platform for the conversation that we have to have right now, with some urgency—a conversation about the massive potential for the renewable future in our State, not pie in the sky, back to the future re-runs of 1980s nuclear power debates. The Bushfire Inquiry made clear the link between climate warming and bushfires. Now is the time to have that debate and to put real solutions to this energy crisis on the table.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The House now stands adjourned.

**The House adjourned at 00:30 until Thursday 27 August 2020 at 10:00.**