



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 16 September 2020

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 16 September 2020

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

The PRESIDENT read the prayers.

Motions

ROUNDTABLE ON RETURNS TO ORDER

The Hon. ADAM SEARLE (10:01:20): I move:

- (1) That this House notes:
 - (a) the concerns and frustration expressed by the Hon. Keith Mason, AC, QC, in successive reports to the House on the validity of claims of privilege over documents returned to orders of the House;
 - (b) that despite his recommendations and findings that such claims are invalid, the following types of claims of privilege are repeatedly made:
 - (i) blanket claims of privilege over volumes of document;
 - (ii) formulaic claims of legal professional privilege without specific or contextual information to support such claims;
 - (iii) claims for confidentiality of personal information when no legitimate grounds of privilege exist or are contended;
 - (iv) claims of "commercial-in-confidence" privilege without supporting detail; and
 - (v) claims of parliamentary privilege over ministerial notes and briefing papers.
 - (c) the time and cost spent on unnecessary evaluation of disputed claims of privilege due to poorly supported and formulaic claims of privilege; and
 - (d) the report of the Independent Legal Arbiter, Hon. Keith Mason, AC, QC, dated 1 September 2020, on a disputed claim of privilege on papers relating to rules based environmental water, which raises the idea of a roundtable meeting, focused on the substance of privilege claims.
- (2) That the President convene a roundtable meeting, before the end of the parliamentary sitting calendar, focused on the substance of privilege claims;
 - (a) that the attendees at the roundtable are to be:
 - (i) the President, the Deputy President and the Assistant President;
 - (ii) the Leader of the Government, Deputy Leader of the Government and the Leader of the House;
 - (iii) the Leader of the Opposition and Deputy Leader of the Opposition;
 - (iv) one member from each crossbench party, and any Independent member;
 - (v) the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC;
 - (vi) representatives from the Department of Premier and Cabinet; and
 - (vii) the Clerk of the Parliaments and officers of the Legislative Council.
 - (b) that the President Chair the roundtable.

Motion agreed to.

Documents

LONG SERVICE CORPORATION

Production of Documents: Order

The Hon. ADAM SEARLE (10:01:48): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the passing of this resolution the following documents created since 1 January 2016 in the possession, custody or control of the Department of Customer Service or the Long Service Corporation relating to allegations of corrupt conduct and maladministration concerning the Long Service Corporation:

- (a) all briefing notes and any draft or final reports prepared by either Anthony Lane or Mathew Lyon, internal auditors within the former Department of Finance, Services and Innovation;

- (b) all interview transcripts for Tony Gavan, Paul Devaise, Elizabeth Roberts and Kathy Skuta;
- (c) all TRIM file records or other records concerning allegations of corrupt and maladministration;
- (d) all meeting notes and correspondence between Kirsty Ruddock, Director - Compliance and Investigations, Department of Industry and Planning and investigators at the Long Service Corporation concerning undervaluation of construction projects in New South Wales;
- (e) all meeting notes and correspondence between any local councils and investigators at Long Service Corporation;
- (f) all correspondence between Craig Duncombe, Manager of Compliance, Elizabeth Roberts and Kathy Skuta concerning fraud, referrals to the Foreign Investment Review Board or Australian Tax Office and the undervaluation of construction projects in New South Wales;
- (g) any meeting notes, briefing notes, or emails prepared by either Kathy Skuta Elizabeth Roberts regarding a meeting held at Long Service Corporation concerning the loss of revenue though undervaluation of construction projects; 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.

Motion agreed to.

Motions

NSW BUSHFIRE INQUIRY

The Hon. MICK VEITCH (10:03:12): I move:

That this House:

- (a) notes the *Final Report of the NSW Bushfire Inquiry*, dated 31 July 2020; and
- (b) requests the Leader of the Government in the Legislative Council provide quarterly progress reports of the implementation of all recommendations contained in the *Final Report of the NSW Bushfire Inquiry*.

Motion agreed to.

Documents

ENVIRONMENTAL WATER

Tabling of Report of Independent Legal Arbiter

The Hon. MARK BANASIAK: I move:

- (1) That the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege on documents relating to an order for papers regarding rules-based environmental water be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

Motion agreed to.

FLOODPLAIN HARVESTING

Tabling of Report of Independent Legal Arbiter

The Hon. MARK BANASIAK: I move:

- (1) That the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege on documents relating to an order for papers regarding floodplain harvesting (No. 2), dated 1 September 2020, be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

Motion agreed to.

PAYROLL TAX

Tabling of Report of Independent Legal Arbiter

The Hon. DANIEL MOOKHEY: I move:

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

Motion agreed to.

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

Mr DAVID SHOEBRIDGE: I move:

- (1) That the report of the Independent Legal Arbitrator, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege on documents relating to an order for papers regarding Stronger Country Communities applications be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

Motion agreed to.

*Motions***SUMMER PARALYMPICS 2021**

The Hon. NATALIE WARD (10:05:30): I move:

- (1) That this House notes that:
 - (a) from 24 August 2021 to 5 September 2021 the sixteenth Summer Paralympics will be held in Tokyo, Japan;
 - (b) Paralympics Australia is aiming to send one of Australia's largest ever Paralympic teams to the Tokyo games; and
 - (c) on 1 September 2020 the Government announced funding of \$330,000 to assist with planning, participation and support for the 2021 Tokyo Paralympics.
- (2) That this House congratulates the Australian Paralympics team and wishes them success in 2021.

Motion agreed to.

ROSH HASHANAH

The Hon. NATALIE WARD (10:05:53): I move:

- (1) That this House notes that:
 - (a) the Jewish New Year, Rosh Hashanah, will be celebrated from 18 September to 20 September 2020;
 - (b) Rosh Hashanah is a special time in the Jewish calendar to reflect on the lessons of the year that has passed, as well as an opportunity to look towards the year ahead;
 - (c) leading up to Rosh Hashanah, many from the Jewish community take part in "Selichot"—prayers for divine forgiveness; and
 - (d) as the Kiddush blessing is recited to welcome the New Year, it is customary to share symbolic foods including pomegranate, kosher animal head and apple dipped in honey for a sweet new year.
- (2) That this House wishes the New South Wales Jewish community a Shana Tova Umetukah.

Motion agreed to.

WESTERN SYDNEY MANUFACTURING JOBS

The Hon. PETER PRIMROSE (10:06:09): I move:

That this House:

- (a) recognises the critical importance of manufacturing jobs in Western Sydney; and
- (b) calls on the Government to:
 - (i) ensure that people who live in Western Sydney have the opportunity to work in Western Sydney;
 - (ii) detail what it will do to promote manufacturing in Western Sydney, and save local jobs; and
 - (iii) stop sending manufacturing jobs overseas.

Motion agreed to.

KOALA POPULATIONS AND HABITAT

The Hon. MARK PEARSON (10:06:52): I move:

- (1) That this House commends the Berejiklian Government for introducing environmental protections for koalas including the establishment of:
 - (a) the Georges River Koala Reserve which includes:
 - (i) protecting up to 1885 hectares of existing koala habitat;
 - (ii) enhancing the connectivity of fragmented patches of habitat;

- (iii) protecting the important north-south koala corridor;
- (iv) investing \$84 million to plant 100,000 koala food trees; and
- (v) installing 120 kilometres of koala fencing.
- (b) the new Guula Ngurra National Park which is 3,558 hectares in size, and home to more than 20 threatened species including, the koala, glossy black cockatoo, flame robin and squirrel glider.
- (2) The House notes that Premier Gladys Berejiklian:
 - (a) acknowledges that there have been only two sightings of koalas in the new Guula Ngurra National Park; and
 - (b) has stated, "Clearly it is not enough. We want to ensure that successive generations of people in our state don't have to worry about koala extinction."

Motion agreed to.

Announcements

PARLIAMENT HOUSE CEILING PROJECT

The PRESIDENT (10:07:32): I am pleased to advise that phase three of the ceiling and building services project on level 11 is now complete. I would like to thank Parliamentary Facilities and the contract staff for their timely completion of this stage of the project. Most of all I would like to thank those members whose offices had to be vacated for their cooperation and for the cooperation of their staff in enabling the completion of the work. Phase four—the final phase—of the ceiling and building services project will commence next Friday 25 September. This represents the final quarter of level 11 and, indeed, the final stage of work that impacts on members' accommodation in the tower block.

The work will go through until the sittings in November. The five members impacted have been assigned temporary offices for the duration of the work, and I wish to thank them and their staff for their cooperation. Work continues on critical infrastructure elsewhere in the building, including the ceiling and building services in the corporate accommodation, replacing the tower block membrane and making a series of accessibility upgrades around the building. We work in one of the oldest buildings in New South Wales. I am pleased that we have been able to make these investments to keep the building operating at an appropriate standard.

Documents

UNPROCLAIMED LEGISLATION

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list of all legislation unproclaimed 90 days after assent as at 15 September 2020.

Committees

PORTFOLIO COMMITTEE NO. 2 - HEALTH

Reports

The Hon. GREG DONNELLY: I table the report entitled *Health impacts of exposure to poor levels of air quality resulting from bushfires and drought*, dated September 2020, together with transcripts of evidence, tabled documents, submissions, correspondence and answers to questions on notice and supplementary questions. I move:

That the report be printed.

Motion agreed to.

The Hon. GREG DONNELLY (10:09:41): I move:

That the House take note of the report.

Debate adjourned.

Documents

ENVIRONMENTAL WATER

Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 1 September 2020, on the disputed claim of privilege on documents relating to rules-based environmental water.

FLOODPLAIN HARVESTING**Report of Independent Legal Arbiter**

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 1 September 2020, on the disputed claim of privilege on documents relating to floodplain harvesting.

PAYROLL TAX**Report of Independent Legal Arbiter**

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 9 September 2020, on the disputed claim of privilege on documents relating to payroll tax compliance, further order.

STRONGER COUNTRY COMMUNITIES FUND**Report of Independent Legal Arbiter**

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 11 September 2020, on the disputed claim of privilege on documents relating to the Stronger Country Communities Fund. [*During the giving of notices of motions*]

*Notices***PRESENTATION**

The PRESIDENT: Order! When a motion comes up for debate, that is the opportunity for members to make a contribution. A member who is giving a notice of motion will be afforded the appropriate respect and will be heard in silence. I have missed half of the notice of motion because of interjections. I ask the honourable member to start again.

Later,

The Hon. Don Harwin: Point of order—

The PRESIDENT: Before I call the Hon. Don Harwin, I remind members again that the reason a member should be heard in silence when giving a notice of motion is that it allows other members the opportunity to call a point of order if there is something inappropriate about the notice of motion and it allows the Chair to rule on whether or not the notice of motion can be put on the *Notice Paper*.

The Hon. Don Harwin: My point of order is that the notice of motion contains significant argument and, therefore, should either be entirely struck out or heavily amended to meet the conventions of the House.

Mr DAVID SHOEBRIDGE: To the point of order: Not only is it permissible to have clear political statements in notices of motions, which is a necessary part of any motion, but it does not breach any standing orders. The Leader of the Government has not identified the terms of the standing order which it breaches. Clearly, there must be a place for political argument in motions.

The Hon. Don Harwin: To the point of order: Over the past couple of days members have made speeches purporting to be notices of motion, which is contrary to the conventions of the House. What constitutes a notice of motion should be strictly applied. Attempts to pervert what a notice of motion should be, not only by Mr David Shoebridge but by other members, should be dealt with.

The PRESIDENT: I will reserve my judgement.

Mr DAVID SHOEBRIDGE: Further to the point of order: Not only is this notice of motion of reasonably modest compass, but there is no, nor has there ever been, standing order limiting the terms of notices of motions in the way the Leader of the Government argues; nor is there any convention or prior ruling of a President in support of his position. If the House wants to limit motions in the way the Hon. Don Harwin seeks, the House should do so collectively. The honourable member should not put the President in the position of making a ruling to achieve what he could not when he sought to amend the standing orders.

The Hon. Adam Searle: To the point of order: Labor supports the contentions made by Mr David Shoebridge. The House is one of robust debate. It is not for the President to provide political editorial control over motions that members seek to move. The House may wish to tighten the rules around motions. For example, I remember the Hon. Duncan Gay floated some strictures a few years ago, which the House did not adopt.

The Hon. Daniel Mookhey: And David Clarke.

The Hon. Mick Veitch: And David Clarke.

The Hon. Adam Searle: I acknowledge all of those interjections.

The Hon. Don Harwin: He only moved a notice of motion. It was never not adopted.

The Hon. Adam Searle: In any case, the House has not chosen to go down the path advocated for by the Leader of the Government. Indeed, it would be a dark day if the President was put in the difficult position of ruling on the matter in the way the honourable member seeks. If members opposite do not like the motion—

The Hon. Don Harwin: How ironic, given the Hon. Adam Searle's business of the House notice of motion. What a dark day for the President.

The PRESIDENT: Order! This is not helpful.

The Hon. Adam Searle: It does not become the Leader of the Government to make those interjections in the way he has. I leave my point of order there.

The PRESIDENT: I will reserve judgement on this, as I did yesterday on another matter. Again, I remind members that notices of motion should be heard in silence. Members should listen attentively so that if a point of order is called I can consider it or reserve on it. I ask Mr David Shoebridge to email a copy of his notice of motion to the Clerk and I will rule on the point of order after lunch. The notice of motion will not form part of the *Notice Paper* until I give my ruling.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That business of the House notice of motion No. 2 be postponed until 22 September 2020.

Motion agreed to.

Ms ABIGAIL BOYD: I move:

That business of the House notice of motion No. 1 be postponed until 24 September 2020.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES (10:30:59): I move:

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

- (1) Private members' business item No. 746 standing in the name of the Hon. Rod Roberts relating to the Crimes Amendment (Assault of Emergency Services Workers—3 Strikes Sentencing) Bill.
- (2) Private members' business item No. 724 standing in the name of the Hon. Mark Banasiak relating to the Dividing Fences Amendment Bill.
- (3) Private members' business item No. 701 standing in the name of Mr David Shoebridge relating to the Public Works and Procurement Amendment (Workers Compensation Nominal Insurer) Bill.
- (4) Private members' business item No. 721 standing in the name the Hon. Penny Sharpe relating to the Deputy Premier.
- (5) Private members' business item No. 750 standing in the name of the Hon. John Graham relating to a further order for papers regarding the Stronger Communities Fund.
- (6) Private members' business item No. 672 standing in the name of the Hon. Trevor Khan relating to the Victory in the Pacific Day.
- (7) Private members' business item No. 686 standing in the name of Ms Abigail Boyd relating to rail freight.
- (8) Private members' business item No. 718 standing in the name of the Hon. Adam Searle relating to an order for papers regarding the Infrastructure and Job Acceleration Fund.
- (9) Private members' business item No. 719 standing in the name of the Hon. Adam Searle relating to an order for papers regarding procurement by transport agencies.

- (10) 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.
- (11) Private members' business item No. 683 standing in the name of the Hon. Lou Amato relating to Ordinary Seaman, Teddy Sheean, VC.
- (12) Private members' business item No. 581 standing in the name of the Hon. Mark Pearson relating to an order for papers regarding video footage of greyhound races.
- (13) Private members' business item No. 756 standing in the name of the Hon. Mark Latham relating to the Western Sydney Aerotropolis.
- (14) Private members' business item No. 602 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding the NSW Commercial Fisheries Business Adjustment Program Barclay report.
- (15) Private members' business item No. 745 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding facilities condition index AsP FCI Analysis reports.
- (16) Private members' business item No. 696 standing in the name of the Hon. Sam Faraway relating to the CSIRO Parkes radio telescope.
- (17) Private members' business item No. 752 standing in the name of Mr Justin Field relating to an order for papers regarding State Environmental Planning Policy (Koala Habitat Protection) 2019.
- (18) 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.
- (19) 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.
- (20) Private members' business item No. 678 standing in the name of the Hon. Taylor Martin relating to Prostate Cancer Awareness Month.
- (21) Private members' business item No. 720 standing in the name of the Hon. Adam Searle relating to an order for papers regarding Renewable Energy Zones in New South Wales.
- (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. 748 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding the potential impacts of water storage projects.
- (24) Private members' business item No. 488 standing in the name of the Hon. Natasha Maclaren-Jones relating to the seventy-fifth anniversary of Victory in Europe Day.
- (25) 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.
- (26) Private members' business item No. 740 standing in the name of the Hon. Emma Hurst relating to immunocontraceptives and wild horses.
- (27) Private members' business item No. 633 standing in the name of the Hon. Robert Borsak relating to the 2020 Eden-Monaro by-election.
- (28) Private members' business item No. 749 standing in the name of Ms Cate Faehrmann relating to the NSW Nationals and koala State environmental planning policy.
- (29) Private members' business item No. 741 standing in the name of the Hon. Emma Hurst relating to a further order for papers regarding the Australian National Baboon Colony at Wallacia.
- (30) Private members' business item No. 702 standing in the name of Mr David Shoebridge relating to an order for papers regarding Operation Tepito Interim Report documents.
- (31) Private members' business item No. 477 standing in the name of Mr Justin Field relating to an order for papers regarding the Liddell Taskforce.

I indicate that it has been agreed that the private members' business items at paragraphs Nos 4, 5, 7, 8, 9, 11, 12 to 24, 26, 27, 29, 30 and 31 will be considered in the new short form format.

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

Motion agreed to.

Bills

CRIMES AMENDMENT (ASSAULT OF EMERGENCY SERVICES WORKERS—3 STRIKES SENTENCING) BILL 2020

First Reading

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

Second Reading Speech

The Hon. ROD ROBERTS (10:37:30): I move:

That this bill be now read a second time.

As members of the Parliament of New South Wales, it is our duty to stay informed and to address and respond to the concerns of the people of the State. It is with this understanding that I feel I can speak for the citizens of New South Wales when I say that the continued violent assaults on our frontline emergency service workers are unacceptable. The community, including my colleague Mark Latham and I, are sick and tired of seeing our emergency service workers being used as punching bags. This must stop. I am a retired detective sergeant and I have seen firsthand the violence that is directed at our emergency service workers. Their jobs are hard enough dealing with all manner of dangerous and life-threatening situations, let alone having to put up with being subjected to violent assaults as they carry out their duty of protecting and serving the community.

I have seen the careers of many dedicated emergency services workers cut short as a result of physical and mental injuries occasioned from violent attacks while just trying to do their jobs. I will now share some disturbing real-world examples of the violence that is being directed towards our emergency service workers. On 18 March last year Sergeant Rachael Robins was offering a cup of tea to a prisoner at Wyong police station. The prisoner attacked Rachael as she opened the cell door. Rachael heard a crunching sound as the prisoner smashed his knee into her face twice. Rachael could see the blood dripping from her lacerated face onto the concrete floor as the prisoner rushed past her only to be apprehended by other officers on duty. A person in custody thinks it is okay to assault an officer.

On 28 April, Constable Alyse Egbers and her partner were called to the residence of a man attempting self-harm. The man jumped onto Alyse, scratching and biting her head and pulling out clumps of hair. The 22-year-old constable had to endure six months of blood tests to ensure that she did not contract any transmissible diseases. A person being aided thinks it is okay to assault an officer. In June this year we saw on the evening news a female police officer having her hair pulled with such force that it was ripped from her skull. An accompanying male officer was struck in the genitals as they struggled to subdue the offender. Only last week officers responded to the harassment of a delivery driver in York Street in the CBD. When they approached the offender he pulled out a knife, slashing one officer on the head and the second officer on the arm.

Unfortunately, these attacks are becoming the norm in New South Wales. In 2019 there were 2,483 assaults on police officers in New South Wales. That figure represents over 50 a week. This number has remained relatively consistent over the past 10 years. It is my view that any assault on our police men and women is one too many. Unfortunately, this appalling behaviour directed at our police officers is also being experienced by other emergency service workers. It has become so bad that our paramedics face violence almost on a daily basis from patients who are fuelled by drugs such as ice. Australian Paramedics Association NSW president Chris Kastelen, speaking on behalf of his members, described the work environment as like a battlefield. Last month a paramedic was punched in the face and another paramedic had her face mask ripped off just up the road from here, in Surry Hills, as they attempted to treat a patient who had taken an illicit substance. Of extreme concern is the fact that of all offenders convicted for assaulting paramedics in 2019, not one was sentenced to imprisonment. Our men and women paramedics have dedicated their careers to helping others and they should not be subjected to this violence. They need our support.

Our nurses are also bearing the brunt of violence in our hospitals, being attacked by violent patients on a daily basis. Our emergency departments are like war zones, filled with patients who are fuelled by alcohol and drugs. One of the most infamous incidents of recent times was in 2016 at Nepean Hospital when Sergeant Luke Warburton was shot in the leg by a patient who was holding scissors to the neck of a doctor. On 4 May last year three nurses and a patient were stabbed with scissors by a patient at Royal Prince Alfred Hospital. In June this year Jo Golding, a nurse with 13 years' experience, was viciously attacked at Coffs Harbour hospital by a patient with a criminal history. As a result of the serious facial injuries she received, Nurse Golding is planning on changing the direction of her career to no longer work on the wards that she loves. Who can forget the news footage from last Saturday night of Bec Davis, a nurse at Westmead Hospital, with a large and gruesome laceration to her forehead as a result of an assault committed upon her by a drug-fuelled patient.

Those horrific ordeals are only a snapshot of the violence consistently being inflicted upon our emergency service workers. How would you feel if your daughter, brother, sister or son went to work only to come home so battered and bruised that they are unrecognisable? An assault on any emergency service worker, whether they be a police officer, paramedic or nurse, is an assault on all of us. Especially now, with the added pressures created by the global pandemic, emergency service workers need our unwavering support. The current situation is not good enough. The men and women on the front line fighting against COVID-19 deserve better. Talking about COVID, what about the incidents of coughing and spitting on nurses and police officers that we have witnessed

during this crisis? Those hardworking men and women put us in this Parliament, and what good are we if we cannot even ensure that they are safe at work? The consequences of assaulting the people who protect and care for you and I have, over time, become out of step with public expectation.

The question is: Why do assaults occur? Is there a systemic flaw in the legislation that perpetuates this behaviour? There is legislation in place within the Crimes Act to punish those who assault a police officer, stating that an offender is liable for imprisonment for seven years. Inflicting grievous bodily harm upon a police officer has a penalty of imprisonment of 12 years. In the face of such penalties it begs the question: Why are police still being assaulted? It is clear that the problem is not with the legislation but with the way it is enforced. Clearly, the current sentences that are being imposed are not meeting community expectations.

One Nation NSW will not sit idly by as our emergency service workers get worked around the ring. The bell has sounded and the buck stops here. The bill that I put to the House aims to prevent these inexcusable attacks by introducing a three-strike rule to the Crimes Act. We believe that this amendment will cause people to think twice before assaulting our emergency service workers. Recidivist offenders will be going to jail. The deterrent effect of continual soft sentencing has eroded respect, and now we find not only are our police being assaulted but also our paramedics, nurses, midwives, doctors and even fire and rescue officers whilst carrying out essential and often life-saving duties. The lack of strong sentences sends the wrong message.

The aim of this bill is to protect our emergency service workers from being subjected to acts of violent and aggressive behaviour. The current list of law enforcement officers is included in the new definition of "emergency service workers". Added to the list are paramedics, medical practitioners, nurses, midwives and fire and rescue officers. Additionally, other classes of emergency services workers can be added via regulation as identified. Section 60 of the Crimes Act, which deals with assaults upon law enforcement officers, will be expanded by replacing the term "law enforcement officer" with "emergency service worker". An assault on a police officer will be regarded under the law as the same as a paramedic who gets assaulted while trying to treat a patient or a nurse who is attacked by a violent patient, or even a firefighter assaulted while attempting to battle a blazing fire.

To make sure community expectations are met, the bill legislates mandatory minimum sentencing for anybody who assaults an emergency service worker. The law is already there, ready to be used. This bill simply ensures that section 60 of the Crimes Act does what it was intended to do: protect the people who protect us. The bill firmly argues that it is not acceptable to assault our emergency service workers. The bill does not alter any sentencing discretion of a court for a first offence. The court retains full discretion to deal with an offender on their first offence without restriction. A court can still impose a sentence that it feels is appropriate in the circumstances, including a custodial sentence if required. This bill does not interfere with judicial discretion on the first offence. It is when a second offence occurs that this bill legislates that a penalty no less than an intensive corrections order must be given by the court. A third offence attracts a term of imprisonment depending on the level of severity of the offence.

It should be noted that these mandatory sentencing provisions are for second and third offences. Nobody wants to see somebody go to jail. We take no pleasure in depriving a person of their liberty and we acknowledge that people make mistakes. For example, take a young man out with his mates. He has just turned 18, has a bit too much to drink and gets into a minor push-and-shove scuffle with police officers out the front of a pub. That is an assault and should not be tolerated. We would all agree in those circumstances that a custodial sentence is probably not appropriate. Hopefully, when the young man faces the court he is remorseful and in future thinks twice before getting into a scrap with the police and assaulting officers.

I refer the House to the fact that 60 per cent of offenders who assault police officers have had a previous proven court appearance in the last five years; 18 per cent have had five or more proven court appearances; and 20 per cent to 27 per cent of offenders commit another offence within 12 months of assaulting a police officer. Unfortunately, it is a fact that a large number of people who assault police officers are repeatedly committing crimes. This bill aims to punish repeat offenders, not someone who has made a one-off stupid mistake. It is reasonable to think that judges would know that the majority of people brought before the courts charged with assaulting a police officer are repeat offenders and would impose sentences aimed at discouraging the offender from committing further offences.

However, in the 18 months between January 2018 and June 2019, only 15 per cent of convictions for assaulting a police officer resulted in a custodial sentence. Furthermore, those custodial sentences had an average non-parole period of only six months. For the offence of causing actual bodily harm, 34 per cent of convictions resulted in a custodial sentence, with an average custodial sentence of seven months. This reluctance to impose adequate custodial sentences has played a major part in perpetuating the consistently high levels of assault against police officers. With this in mind, let's say the young man from my earlier example does not learn his lesson and assaults a paramedic who is attempting to treat one of his mates who has collapsed on the footpath. The young paramedic is pushed to the ground in the ensuing scuffle, suffering bruises and abrasions. The young man is

starting to show a pattern of behaviour and appears before the court charged with assaulting an emergency service worker for a second time. He has already been given a chance, which we consider is fair and just.

The bill requires that for a second appearance before a court the order must be an intensive corrections order or six months' imprisonment, depending on the severity of the assault. An intensive corrections order is a custodial sentence of up to two years that can be served in the community. It is the most serious sentence an offender can serve in the community and conditions or restrictions can be added, such as home detention, electronic monitoring, curfews, community service work, alcohol and drug bans, or non-association requirements. Offenders may also be required to participate in programs that target the causes of their behaviour.

Perhaps the young man has still not learnt his lesson despite being given an intensive corrections order. He has a party at his house and is playing loud music past midnight, prompting his neighbours to file a noise complaint. When a young female constable and her partner knock on the door, she is punched in the face by the man and falls to the ground, hitting her head on the concrete. Her partner is also injured before managing to subdue the man. He then appears before the court for the third time, once again for assaulting an emergency services worker. It is clear to the court that the offender has not changed his behaviour despite his previous chances. This is his third strike and he now faces a mandatory minimum sentence of imprisonment. Because he has inflicted grievous bodily harm on the young constable, he faces 12 months' imprisonment as a mandatory minimum sentence. If he had been charged with actual bodily harm he would have received a minimum of six months imprisonment. Likewise, had he committed an assault on the less severe end of the scale, a minimum of three months' imprisonment would apply.

The setting of a mandatory minimum sentence for assaulting emergency service workers is in line with society's expectations. The community wants us to enact legislation to stop this reckless pattern of behaviour and the terms of the bill do just that. This Government claims to back our police to the hilt. Surely it wants a safer environment for the police men and women on the front line who are protecting the citizens of this State. Police Minister David Elliott commented on the attack on the two police officers on the Central Coast in June this year. He said that the alleged attack on first responders simply responding to a call to protect members of our community was "appalling" and "inexcusable". The Legislative Assembly Committee on Law and Safety is conducting an inquiry into assaults on members of the NSW Police Force and I note that Minister Elliott is not alone in voicing his concerns about the safety of our emergency service workers. The Attorney General has charged the NSW Sentencing Council with conducting—in his words—a deep dive into this matter.

So here we go again with another round of inquiries. I remind members that former MP Peter Anderson was asked by this Government to conduct an inquiry into assaults on nurses. How effective was that inquiry in helping Bec Davis, the nurse who was assaulted on Saturday night at Westmead Hospital? The Attorney General has been quoted in the media recently as saying that he is not a fan of mandatory sentencing. But in 2014 he voted for, and did not speak against, the introduction of mandatory sentences for one-punch assaults. Is he suggesting that the Government's introduction of mandatory sentencing for coward punches was a mistake? I say to those interested in the rights of workers and their safety in the workplace that this bill has the support of the Police Association of NSW, the Health Services Union, the Public Service Association of NSW and the New South Wales Nurses and Midwives' Association.

Surely we can stand in solidarity with the hardworking emergency service workers on the front line. Our police, ambos and nurses have borne the brunt of violent behaviour for too long. I reiterate what I said earlier: An attack on an emergency service worker is an assault on all of us. It is time to throw the book at those who repeatedly think it is okay to assault the people who are out there working day after day to protect the citizens of this State. The bill amends the Crimes Act 1900. Section 60AA defines the term "emergency services worker" to include law enforcement officers, paramedics, medical practitioners, nurses, midwives and fire and rescue officers. The existing section 60 is omitted and replaced with a new section 60 that establishes three tiers of offences against emergency services workers.

Tier 1 offences are assaults on emergency service workers that do not result in actual bodily harm. Tier 2 offences are assaults on emergency service workers where the assault occasions actual bodily harm. Tier 3 offences are assaults on emergency service workers that result in wounding or grievous bodily harm. The penalties under the proposed new section carry exactly the same penalties that exist under the current section. Members should note there is no increase in maximum penalties under this bill. It also omits section 60A so those who are not police officers are covered under the amended section 60. Sections 60B and 60C remain in principle but are amended to replace the reference to "law enforcement officer" with "emergency service workers". Section 60CA is inserted to impose mandatory minimum sentences for offences within this division.

The section requires a court to impose a sentence on a person found guilty of an offence under section 60 that is not less than the following sentences. For a second tier 1 offence, the sentence is a period of imprisonment to be served by way of intensive correction in the community. For a third or subsequent offence the sentence is

three months' imprisonment. For a second tier 2 offence, the sentence is a period of imprisonment served by way of an intensive corrections order. For a third or subsequent offence the sentence is six months' imprisonment. Again, it should be noted that for first offences under tier 1 and tier 2, sentencing is still at the discretion of the court; that has not been taken away. For a first tier 3 offence, which is the most serious of the assaults, the sentence is a period of imprisonment to be served by way of intensive correction in the community. For a second offence, the sentence is six months' imprisonment and for a third or subsequent offence the sentence is 12 months' imprisonment.

Similarly, for second offences committed under sections 60B and 60C the sentence is to be served by way of intensive correction in the community, and for the third or subsequent offence the sentence is a minimum of three months' imprisonment. The bill's objectives ensure that sentences reflect community standards and are not unduly lenient. This is important for maintaining confidence in the judicial system. Further, the bill will help reduce the assaults and subsequent injuries to emergency service workers by being a stronger deterrent to would-be offenders. The bill has been drafted so that it does not result in excessively harsh sentences. I commend the bill to the House.

Debate adjourned.

DIVIDING FENCES AMENDMENT 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 (11:00:03): I move:

That this bill be now read a second time.

I am pleased to introduce the Dividing Fences Amendment Bill 2020. The amendment bill is relatively simple in what it aims to do: It simply removes the clause that exempts the Crown from any liability with respect to dividing fences. We are simply asking that Crown lands be good neighbours. In recent times we have seen the Crown lands department come to the table with one-off grants given to producers whose fences were lost during the summer fires. The grants were a great start to something that should be permanent. The NSW National Parks and Wildlife Service [NPWS] often enters into negotiations with the owners of boundary fences. It has a policy where it supplies the materials required to build or repair, although that is not legislated, so it has no real obligation to do so. There is a great quote in *The Land* from grazier and NSW Farmers delegate Ms Bronwyn Petrie, who lost her fencing during the black summer. She said:

While it is very welcome and we congratulate the government we believe it should be a normal thing. Every other neighbour shares the cost of fencing.

The Shooters, Fishers and Farmers Party agrees. The Government should be a good neighbour and there should be an onus on Crown lands, like national parks and reserves and travelling stock routes, to foot the bill for damage caused by them. National parks make up over seven million hectares of New South Wales. That is a lot of land that adjoins private property owners and businesses, who do not have access to the funds that the Crown lands department does. When you consider that most of the bushfires in the State originate in national parks—in fact, 2.7 million hectares of national parks were burnt through during the past summer—it seems unfair that they have no legislative obligation to come to the table with at least an offer to assist.

Then there are around 6,500 travelling stock routes in New South Wales, covering around two million hectares. Again, that is a lot of land and a lot of landowners that share fences with them. Mr Philip Donato, my colleague in the other place and the member for Orange, asked a question regarding travelling stock routes and the obligations to maintain boundary fences. The Crown, of course, has no obligation. Mr Donato raised a very important point that farmers must pay fees to Local Land Services to graze stock on a travelling stock route. He suggested that some of those funds go towards maintaining boundary fences as there can be substantial damage caused to them by stock grazing the travelling stock routes. It is a fair point.

The response he received used the Dividing Fences Act 1991 as a scapegoat for having no obligation to assist, so the shooters party is attempting to eliminate that scapegoat. If the Crown lands department cannot manage its tenure and damage is caused because of that lack of management, it should pay. Plain and simple, it is about being a good Aussie neighbour. I alluded to the fact that I would move this legislation in February, when tens of thousands of kilometres of boundary fences were taken out by the black summer bushfires; 88,832 kilometres of agricultural boundary fencing was burnt during those fires. The *Final Report of the NSW Bushfire Inquiry* states:

The Inquiry recognises the recent Government commitment of \$209 million to help bush fire affected landholders with the costs of rebuilding boundary fences adjoining private land. The Inquiry also recognises the long-standing NPWS policy to contribute to boundary fencing through the supply of materials, as set out in the NPWS *Boundary Fencing Policy*, which also includes a provision for similar provisions in natural disasters. However, these programs have fallen short, and are likely to keep falling short, of addressing community expectations of public landholders unless actions are undertaken to improve government as a good neighbour.

There is a clear need to develop a shared understanding of what it means to be a good neighbour, regardless of land tenure. To do this, the following needs to be developed:

- agreed expectations
- good relationships
- transparency about decision making from Government
- mutual understanding about priorities
- mutual understanding and agreement about obligations.

In practice, this could involve establishing ongoing, two-way and transparent communication about land management activities and decisions taken to prepare for the upcoming fire season to minimise bush fire risk. This could include details of:

- hazard reduction burning undertaken and proposed access track and APZ maintenance
- pest and weed control activities
- and providing private landholders who have boundaries with public land with a local contact within the responsible agency with appropriate authority to make decisions about fire management activities which may affect private property.

Recommendation 24 is one of the main recommendations. It reads:

That Government agencies managing land (at all levels and through all agencies) be the best neighbours possible by considering their neighbours when undertaking activities related to bush fire preparation and having clear, two-way communication about these activities, with the aspiration that government landholders will be seen as highly desirable neighbours.

At the time of the summer bushfires, The Nationals member for Clarence, Mr Christopher Gulaptis, MP, admitted that the Government was not a good neighbour and needed to do a better job. He said:

The Government isn't very a good neighbour, to put it quite bluntly, and it needs to be a better neighbour ... They need to be good neighbours and need to help where they can and I don't believe they're doing that.

I recognise that the Government is reluctant to spend money in the bush. However, the Deputy Premier and the Leader of The Nationals gave a recent statement that his party would support any legislation that was good for the bush. I look forward to their support on the bill; it is indeed good for the bush. I commend the bill to the House.

Debate adjourned.

PUBLIC WORKS AND PROCUREMENT AMENDMENT (WORKERS COMPENSATION NOMINAL INSURER) BILL 2020

First Reading

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

Second Reading Speech

Mr DAVID SHOEBRIDGE (11:07:15): I move:

That this bill be now read a second time.

The Public Works and Procurement Amendment (Workers Compensation Nominal Insurer) Bill 2020 seeks to close a loophole that has allowed icare to put hundreds of millions of dollars of public money toward contracts that have been awarded without proper procurement and without transparent tender processes. It closes the loophole that was placed in the public tendering controls in the State just five short years ago. The Workers Compensation Nominal Insurer is the fund that holds, on any given day, somewhere between \$17 billion and \$18 billion effectively on trust for injured workers in New South Wales. Every cent in that fund has come from employers of New South Wales. The object of the bill is to amend the Public Works and Procurement Act 1912 and the Workers Compensation Act 1987 to provide that the Workers Compensation Nominal Insurer is a government agency for the purposes of part 11 of the Public Works and Procurement Act.

Part 11 is essential because for over a century that piece of legislation has put in place clear obligations on government agencies about the procurement of goods and services, such as transparent tenders and public notifications of contracts, which are essential elements to stop what otherwise can be corrupting and corrupted tender processes in New South Wales. The bill does not come out of left field. It comes out of the evidence before the law and justice committee inquiry. It is not only in the evidence before the inquiry that we have heard disturbing details about the way in which tenders have been run by icare—of course, the Nominal Insurer is one

of four or five statutory insurance schemes that icare manages—but also detailed evidence has been provided pursuant to the powers of this House to compel production of documents under Standing Order 52. In addition, courageous former icare employees have come forward and not only have put on the public record their concerns but also have given detailed statements to the regulator about their very real concerns about tendering at icare.

An example is the better part of \$1 million being given to the wife of the former icare CEO under a contract that never went out to tender. Another example is the millions of dollars handed over to a New Zealand corporation with no history in the field to craft what is called the Net Promoter Score, which was used to give the icare executives their staggering bonuses. That contract went without tender to a corporation owned by a father and son—the father worked for icare. We have received deeply concerning evidence about contracts worth hundreds of millions of dollars. One of those, to a firm called Capgemini and an associated firm called Guidewire, resulted in a disastrous transformation project and raised very real concerns about the relationships between senior key icare executives and Capgemini.

Some of the most compelling evidence came from a brave public servant, Christopher McCann, for whom we should all have enormous gratitude. Mr McCann joined icare as the general manager of compliance in July 2016. He had a highly prestigious record as a fraud investigator with the police. He had held senior policing roles and senior executive roles in a series of high-profile public operations. I am not talking small corporations but rather organisations like AMP, NRMA—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I know wide latitude is permitted in these debates but this is not a debate on an icare report. As Mr David Shoebridge knows, I am very sensitive to Mr McCann and the matters that surround him. However, I invite the member to deal with the substance of the allegations.

Mr DAVID SHOEBRIDGE: I am simply qualifying Mr McCann as a man who should be listened to.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I accept that.

Mr DAVID SHOEBRIDGE: If I am pushing against an open door, I will move on. Christopher McCann is a man who should be listened to. My final introductory point is that icare wanted him silenced. They exited him out of the corporation and imposed a confidentiality agreement on him which, if he breached—and he did breach it—exposed him to potential litigation and damages for the recovery of payments. Notwithstanding that, he breached the agreement because he thought the public had a right to know. Christopher McCann has given a detailed statement to the State Insurance Regulatory Authority [SIRA]. I will read onto the record seven or eight brief extracts that identify the kind of systemic concerns with tendering and procurement in icare that have led to me, on behalf of The Greens, introducing this legislation. I will use the initials of people whose names are not otherwise in the public domain but I will use the names of people whose names are in the public domain, such as the former CEO of icare. Mr Christopher McCann states:

At 2.05 pm 17 August 2016 I met with FC who raised a number of concerns with me. The first was an engagement with IT Newcomb a consulting company. IT Newcom were engaged to manage ongoing contract between icare and Capgemini. FC told me she had concerns about Vivek Bhatia and the icare CIO SB's relationship with IT Newcom and CapGemini. FC's husband was a senior person in NSW Government Procurement. FC told me that what icare was doing in terms of procurement was illegal.

The statement continues:

FC provided me a list of examples of how icare's procurement practices were illegal. FC told me icare did not have direct supervision over the Capgemini contract and the oversight had been outsourced to IT Newcom.

FC said to me that IT Newcom were effectively managing the Capgemini engagement and they did not have detailed knowledge about the business requirements.

My understanding of the Capgemini contract was its value was about \$200 million. FC told me icare is paying \$4,000 per day to IT Newcom who are an Asia Pacific based consulting firm. This also included icare paying the travel expenses to bring IT Newcom consultants to Australia, and I believe a person from the U.S.

Later Mr McCann states:

On 1 September 2016 I had a conversation with the Head of icare Audit, MC and we discussed (i) Auditor General Office findings – ongoing breaches of the GIPA Act (ii) failure to upload contracts (iii) icare didn't have a contracts register (iv) icare didn't have a procurement guideline or policy (v) icare needed to have a response to the Auditor General as to why icare did not have any of these things.

The statement goes on:

At 5.15pm 19 October 2016 I spoke with CM, icare's General Counsel. CM asked me if I had received a conflict of interest report from RC because he was brought in to icare on contract from International Consulting Group to work for Vivek. CM said RC was still working at the consulting company and he then brought in another employee from Internal Consulting Group. CM said that there was 'double dipping' that icare is paying RC directly as an employee and also as a Director consultant at Internal Consulting Group. CM said she raised this issue with GP and CM said GP ignored it. CM told me that I needed to make enquiries.

On 9am 26 October 2016 I met with Vivek Bhatia as a skip meeting. The agenda was (i) what's going well (ii) what's not (iii) any issues. I told Vivek that I was trying to build a compliance plan. I said there were major concerns. I discussed issues with the procurement framework and I was working with WS on these. I said there were serious concerns raised by an employee in business technology about procurement practices. I told Vivek I was having difficulties because I was not being provided any support to investigate these matters. I said I had serious concerns that these actions might be corrupt in relation to the procurement. I also provided Vivek an example about a conflict between Vivek and his relationship with Capgemini. Vivek raised his voice and shouted at me. Vivek thumped his fist into the table and yelled at me. Vivek said to me, 'You are fucking useless', 'you're an investigator, go investigate'. I felt intimidated.

At 10.15am 26 October 2016 I told GP and MS about this meeting with Vivek. I told them I felt intimidated and useless. GP told me that is the way Vivek treats all people.

The statement continues:

At 11.40am 27 October 2016 WS, Head of Procurement told me there is a person in the Nominal Insurer called Pescott who has contracted his son to undertake work for icare. WS also raised with me the issue about RD double dipping salaries and contractor fees. I checked but there was no Conflict of Interest report made, which I believe was significant. On 27 October 2016 I again met with GP and told him my concerns about my meeting with Vivek from 26 October 2016. My notes of this meeting detail that (i) told he always does that, swears and gets angry at the situation (ii) he shoots the messenger (iii) he has done it to others too. I said I had never heard anyone swear like that. My notes of that meeting read, 'fucking useless', 'you are a fucking manager, a senior leader', 'is it corrupt because I know the owner of Capgemini and I use them'. I said at the very least a conflict must be disclosed. I told GP this and he replied, 'he won't report it and he will bring in whoever he wants to work at icare'. GP said Vivek will forget about the incident and not to worry. I said to GP it has made me feel sick, I feel useless and I can't face him again. GP said he would talk with Vivek.

He further states:

At 11am 18 November 2016 I met with GP and he told me not to focus anymore on fraud or corruption. He also told me not to further investigate the Net Promoter Score issue. This related to the Pescott matter. I raised with GP that the Net Promoter Score Pescott issue was an icare staff member contracting services with his son. I said that was corruption. GP replied that he does not want that investigated. I said the NPS is a significant conflict of interest and has never been reported. GP told me to drop it. For the months following I kept pressing for a conflict of interest form to be completed. I asked GP that this issue should be raised at the icare Board Audit, Risk and Compliance Committee. GP told me that it was insignificant and it would not be raised.

When Chris McCann was initially employed he was invited to that audit and risk subcommittee of the board, but once he raised those issues he was disinvited and told he was no longer welcome. His statement continues:

On 13 January 2017 MK icare assistant to GB told me there had been icare cabcharge thefts from the icare offices between 22 December 2016 and 13 January 2017. MK told me there had been other thefts of icare property going on. These thefts included laptops, petty cash, cushions, tables, chairs, ipads worth tens of thousands of dollars. JW, icare head of Facilities was meant to be investigating these matters. I contacted JW and she told me there had not been a police report about any of these matters. I created a list of all the stolen items and details of the thefts and started capturing more information about crimes during 2017.

At 11.30 am 13 January 2017 I spoke to GP about all of these thefts. I said these must be reported to the NSW Police. GP told me that GB, Head of HR, told him that none of these matters should be reported to the NSW Police. GP told me that GB and GP agreed that none of these thefts will be reported to the NSW Police.

The final point I will read out from the statement states:

On 6 February 2017 I attended an icare risk workshop to discuss compliance risks. I raised with MS, Head of icare Risk about (i) failing to report material significant issues and breaches including fraud, theft and corruption (ii) failing to follow procurement guidelines. MS said to me that all of these issues are irrelevant. My view is theft and fraud are crimes which carry significant penalties, including jail sentences up to 10 years and these matters should be recorded and reported to the Board Risk Compliance and Audit Committee.

What did Mr McCann get for his troubles? He got a workers compensation claim, he received appalling internal treatment and he was bullied out of the organisation and then wrapped up with a non-disclosure agreement so that he could not tell anyone. This organisation is in desperate need of governance. It is in desperate need of being compelled to follow the procurement practices that all other government agencies have to follow. This is an organisation that needs to be told by this Parliament, "This is not your money; you cannot treat it as playthings. You cannot give it to your wife, you cannot give it your mates. You cannot hand out public money that is meant to be going to injured workers to whoever you want because they are your mates." This legislation is urgent and should be coming from the Government. In the absence of any action from the Treasurer, notwithstanding that everything I put on record is in the hands of the regulator, nothing has come from the Government to stop those procurement practices happening in icare.

I have not heard a whisper from the Treasurer about what he is doing to shut the loophole. The reports from multiple members in icare are that the loophole, which allows for contracts with the Nominal Insurer to be done absent the tender and procurement requirements that apply to the public sector, has been routinely abused and used to contract for all of the services with icare, even if they apply to the services and operations of icare that are well outside of the Nominal Insurer scheme. It is a rort and it is an invitation to corruption that has been accepted by people inside icare. It is time the invitation was pulled. Finally, I put on record what the bill does. The bill will commence within seven days of the assent of the Act. Why? Because it is urgent. It amends section 162 of the Public Works and Procurement Act 1912 to include unambiguously in the definition of "government agency" the Workers Compensation Nominal Insurer, established under section 154A of the

Workers Compensation Act 1987. It shuts the loophole. It also puts in place a transitional provision, new section 179, because we do not want to cause contractual uncertainty. That provision provides:

This Part does not apply to an agreement for the procurement of goods and services entered into by the Workers Compensation Nominal Insurer before the commencement of the *Public Works and Procurement Amendment (Workers Compensation Nominal Insurer) Act 2020*.

There is enough chaos and uncertainty in the scheme at the moment and we do not want to add to it, so we put that savings provision in, notwithstanding the fact that many of those contracts absolutely and urgently need to be referred to external audit. Finally, the bill amends the current provision in the Workers Compensation Act 1987 in section 154A that expressly states that the Nominal Insurer is not covered by the Public Works and Procurement Act. I commend the bill to the House and make the following offer to the Government. We will not necessarily proceed on this next week through all stages if the Government brings on the bill. If it does that, we will endorse it, support it and pass it tomorrow. I cannot but stress that every single cent that has been abused and misused is money that was meant to go to injured workers. If we cannot fix that this week, then we will fix it next week.

Debate adjourned.

POLICE AMENDMENT (PROMOTIONS) BILL 2020

First Reading

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

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

Motions

THE HON. JOHN BARILARO

The Hon. PENNY SHARPE: I move:

That private members' business item No. 721 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. PENNY SHARPE (11:28:29): I move:

- (1) That this House notes that in the past week:
 - (a) the Minister for Police and Emergency Services stated that the Deputy Premier's position is "untenable" and his actions were "one of the greatest acts of political bastardry in quite some time". He also stated, "The National Party really needs to consider who their leader is because he doesn't have their best interests at heart.";
 - (b) the Minister for Transport and Roads stated that the Deputy Premier remaining in his position was a matter for his conscience and that he would find it hard to work with the Deputy Premier into the future;
 - (c) the Minister for Jobs, Investment, Tourism and Western Sydney said about the Deputy Premier, "If you're going to choose to do that you must act like a leader, you must act like someone who brings the community together", and, "We cannot use leadership to exploit people's fears—that's lazy leadership."; and
 - (d) the Parliamentary Secretary for the Cost of Living accused the Deputy Premier of acting with "extreme contempt" and bullying the Premier.
- (2) That this House expresses its concern that the New South Wales Liberals and The Nationals are distracted by issues of leadership and are failing to address the most serious pandemic and economic recession New South Wales has experienced this century.

The motion before the House is not a no-confidence motion in the Government—I understand that is happening elsewhere—but it is an important expression of the need for the Liberal Party and The Nationals to get their act together and focus on the things that are really happening in New South Wales, rather than their own internal infighting. The motion notes that in the past week we have seen extraordinary scenes in relation to a parade of Liberal Ministers simply saying that they can no longer work with their junior Coalition colleagues. The reasons for that are many, but we very rarely see the kind of display that we have seen in the past couple of weeks.

When the Minister for Police and Emergency Services says that the Deputy Premier's position is untenable and his actions are one of the greatest acts of political bastardry in quite some time, that is a very serious matter. When the Minister for Transport and Roads states that the Deputy Premier remaining in position was a matter for his conscience and he would find it hard to work with the Deputy Premier in the future, that is not just a spat between Ministers; that should be something we are all very concerned about as legislators and as people who live in New South Wales and who require the Government to do better. The Minister for Jobs, Investment, Tourism and Western Sydney said this about the Deputy Premier:

If you're going to choose to do that you must act like a leader, you must act like someone who brings the community together ... We cannot use leadership to exploit people's fears—that's lazy leadership.

The Minister was correct that it was not edifying or wanted by the people of New South Wales, as they try to work out how they pay their rent, how they get a job, how they retrain for the future, whether they are going to have a job in the next few months, whether they have lost their job, how they are going to support their parents in aged care and how they are going to care for their kids with disability who cannot get home support workers. They are the things that the people of New South Wales care about, rather than this tit for tat.

We have also heard some pretty serious allegations from the Parliamentary Secretary for Cost of Living about the Deputy Premier acting with contempt in relation to his colleagues and also bullying the Premier. I believe that requires more work, but today I put on record what I consider to be the things that we need to think about. I hope that members of this House will support this motion, which expresses concern that the New South Wales Government should get back to work and deal with the most serious pandemic and economic recession that this State has seen.

As we stand here today, the latest figures reveal that 3,987 people have contracted COVID-19 and 52 people have died from the disease. As a result of the pandemic across this State, 52 people are no longer with us. Every one of those people has a family who is distraught and a community that is in mourning, and there are concerns about how we make sure this disease does not spread further. We have only to look at other places around the world and to look south of our own border to see that COVID has fundamentally changed this year. I think we would all be happy if 2020 got in the bin, but the reality is that we have to manage this issue—and it looks like we will have to manage it for quite a long time. The implications are incredible.

Aside from the deaths and the health issues and all the changes that we have had to make to the way we live, we have seen the biggest contraction in the New South Wales economy in 20 years. The New South Wales economy shrank by 1.5 per cent in the March quarter. It is expected to contract by another 10 per cent this financial year. A third of all people on JobKeeper live in New South Wales. They are people who have a job but whose only income is coming from the Federal Government—and that is starting to be wound back. That is not counting all the people who have lost their job. We know that unemployment is now at 7.2 per cent—the highest rate in over 20 years. Over 134,000 people—real people—have lost their job since February, when COVID started. There are 134,000 people in this State who do not know how they are going to pay their mortgage. They might have been lucky in having their bank defer their mortgage payments for six months, but that is coming to an end. They are reliant on the Federal Government and do not know what jobs they will go back to when we finally get the virus under control.

Over 309,000 people are unemployed—the highest number since November 1993. We know that women have copped it very badly in relation to unemployment, and I particularly want to talk about those women who have had to reduce their hours of work. We know that women already earn less than men in this State, and they are disproportionately affected by what has happened with our economy. We are yet to see a plan from the Government to deal specifically with how we get women back to work. We also know that young people have been hit hard. I do not think any of us who knows any of the young people— [*Time expired.*]

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:34:03): The motion before us moved by the Hon. Penny Sharpe is in two parts. The first part simply recites a series of quotes reported in the media and asks the House to note those quotes. We can all read for ourselves and do not need the honourable member to retweet for us. The second part, however, is the substance of the motion. It urges the House to express its concern based on the patently absurd premise that the Berejiklian-Barilaro Liberal-Nationals Coalition is failing to address the most serious pandemic and economic recession that New South Wales has experienced this century. I welcome contributing to that debate.

New South Wales has announced almost \$16 billion in measures designed to boost the health system and provide economic stimulus and support in response to the COVID-19 pandemic. The first priority is to support the health system with an extra \$883 million in funding to ensure that our intensive care unit capacity is doubled, frontline health workers are supported, and health research and mental health support is boosted. On the economic front, the goal has been to protect jobs, help businesses and ensure that vulnerable members are supported even

in isolation. The New South Wales Government measures are designed to complement those of the Commonwealth Government. These measures have been designed to provide the right support at the right time, responding to immediate needs when restrictions are in place, preparing the recovery as health conditions allow restrictions to be lifted, and looking to reform the State to boost New South Wales' economic potential and support fiscal recovery. One key measure, of course, is the \$1 billion Working for NSW Fund, which is supporting direct employment and retraining opportunities—including \$250 million, of which \$155 million has already been expended as of 31 July 2020 to employ additional cleaners for public infrastructure.

Under this program, 1,000 additional staff have been hired by Service NSW. This has enabled families and businesses to readily access advice and support on a range of non-health-related COVID-19 inquiries in one central location. Small business impacted by COVID-19 has had payroll tax deferments and reductions. The Government has provided grants of up to \$10,000 to businesses below the payroll tax threshold. From 1 July \$3,000 small business grants were made available. From 8 September southern border small business grants were made available. The total small business grants paid or approved is nearly \$631 million, with a further \$12.5 million still in progress. I could go on. However, I will conclude by referring to the Prime Minister's praise for New South Wales. He said that New South Wales sets the gold standard in response to the pandemic, which has been—*[Time expired.]*

The Hon. MARK LATHAM (11:37:12): One Nation supports this motion but points out to the Labor Opposition that it has got the wrong villain here. It is not the Penguin; it is Catwoman. It is not the Deputy Premier; it is the Premier. The truth is—

The PRESIDENT: Order! The Hon. Mark Latham knows better than to use adjectives and other terms when referring to another member in this place and also to members of the other House. He should refer to them by their correct title and not use some other term that he thinks is appropriate. The member has the call.

The Hon. MARK LATHAM: I am just pointing out that the Premier lacks leadership—

The PRESIDENT: The member will not argue with me. I have made my ruling very clear. He will not use terms like "penguin" to describe a member of the House.

The Hon. MARK LATHAM: Is that offensive? Is it offensive to call someone in another place a penguin?

The PRESIDENT: I call the Hon. Mark Latham to order for the first time.

The Hon. MARK LATHAM: I know you are friends with these people, but it is quite ridiculous.

The PRESIDENT: I call the Hon. Mark Latham to order for the second time. Do not push me.

The Hon. MARK LATHAM: I am pointing out, if I can, in my contribution that the Premier of this State lacks a policy culture that provides leadership, direction and nurturing of her Government, and in the absence of a policy culture things fall apart. The truth is, whether we are talking about uranium mining or the State environmental planning policy [SEPP] on koalas, these issues have been allowed to swirl around in the Government for month after month, even year after year, without any resolution. I congratulate the National Party for standing up for its constituents—with some missteps along the way—and basically saying that the koala SEPP is a disaster. The parts of New South Wales shaded pink for koala protection range from roundabouts in Grafton to Bankwest Stadium in Parramatta, Warringah Mall, Warwick Farm racetrack, large parts of Liverpool and Campbelltown that I know well where we have not seen a koala for 60 years, and down to my community, where the Mount Hunter fire station is now said to be koala habitat.

It is a shambles and the planning Minister ought to resign. That is the truth of the koala SEPP. He is unable to administer a decent policy and what we have is the tyranny of spatial mapping. Fifteen or 20 years ago, to prove that something was a worthy conservation area, someone in the Government actually had to visit it. Now we have green bureaucrats who think that they can control everyone's lives through looking at satellite photographs of our properties and saying, "There's a clump of trees." They say that a clump of trees that perhaps a koala could drop into is worthy of preservation without a single public servant inspecting it. It holds farmers to ransom. It holds the economy to ransom. It now holds suburban Sydney to ransom. The National Party tried to get these maps corrected for six months. No wonder its members are frustrated. I would have been ripping the furniture apart. No wonder they blew up. It is another public policy debacle sheeted back to the Premier, who lacks the leadership and policy culture to do the job properly.

The Hon. MICK VEITCH (11:40:19): It will be no surprise to anyone in this Chamber that I will be supporting the motion moved by the Hon. Penny Sharpe. As the hardworking Leader of the House pointed out, the first part of the motion is factual. It is in the public domain. The crux of this debate is the second item. It talks about people in the past week being distracted from their duties serving the people of New South Wales and

ensuring that jobs are being protected and created. There are issues around children in care, around health and around policing across New South Wales.

People in Broken Hill want to talk about the border. A number of issues need to be addressed and the second part of the item clearly talks about being distracted. I reckon a fair few of the Ministers have had a text message over the past few days regarding the position of the Deputy Premier or the National Party's position in the Coalition. I reckon a fair few Ministers would have fielded a phone call or two in the past few days regarding this matter. That would be a distraction from their duties. That is pulling them away from their duties as a Minister of the Crown serving the people of New South Wales. I would suggest that in its basic format—

The Hon. Bronnie Taylor: Mick, you are better than that.

The Hon. MICK VEITCH: You are better than that. The performance of this Government in the past few days has been atrocious. You have got people who want to go to the crossbench. You cannot tell me that you are not distracted from your duties. You should all be ashamed by the way you have performed—all of you. Every one of the Ministers has been pulled away from their duties because of the actions of the Deputy Premier. Yes, you should be ashamed. You should show a bit of leadership and punt the bloke. The blatherskite should go.

The Hon. Shayne Mallard: Point of order: The Hon. Mick Veitch knows he should direct his comments through the Chair and not speak directly to the Minister.

The PRESIDENT: All comments should be directed through the Chair. Secondly, the Hon. Mick Veitch should not point to one particular member and make imputations and reflections on that member. It is one thing to make imputations on a party or a group of Ministers, but members cannot single out just one member and make imputations.

The Hon. MICK VEITCH: All of them should be ashamed of themselves. The people of regional New South Wales deserve a darned sight better than what is being delivered up by all of them in the past few days. They are distracted. That is what the motion says. They are distracted. I urge all members to support this motion. Let us get the House back in shape. Let us get the Government back on the job.

The PRESIDENT: I will not tolerate interjections from anyone, including Government members. I will call members to order immediately upon any interjection.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:43:35): It is no surprise that I do not support the motion that has been moved by the Hon. Penny Sharpe. As the Leader of the House said, a lot of the comments in the first part are on the public record and that is a matter for those Ministers. What I will say is that I take real exception to the inference that we are distracted by leadership issues. That is not the case. There is no distraction in The Nationals party room. We support John Barilaro as our leader. We had a very good party room meeting yesterday. I will not speak about details of that on the public record; I never have and I never will.

What I will say is that we have raised an issue that is important to our communities. We have stood up for regional New South Wales with their best interests at heart and we have done that standing behind our leader, John Barilaro. He stands up for our party room and he stands up for the communities of regional New South Wales better than anybody in this place. We are not distracted by what has been going on. In fact, we are getting on with the job. As education Minister, that is certainly what I have been doing throughout the pandemic. That includes the past few days. We have done a range of things to support our communities during the pandemic. The Hon. Penny Sharpe asked about what we are doing to get women back to work. In my portfolio space, we provided free preschool for community and mobile preschools in terms 2, 3 and 4. This helps those services remain viable, helps children stay engaged in education programs and helps parents and carers—largely women—get back to work.

We are also continuing our infrastructure projects. On Monday I was out with the local member for Camden, Peter Sidgreaves, looking at the new construction happening at Catherine Field. We have announced the building of more schools as part of our infrastructure and jobs fund. Our projects at Googong and Carlingford West for a new school and an upgraded school all continue. The business of government throughout the pandemic continues. As education Minister, the work that has been done by our staff, our principals and our teachers in the Department of Education to support our school communities during the pandemic continues. It is completely front and centre of my mind as the Minister for Education and Early Childhood Learning.

We are grateful for the work that the thousands of staff are doing. We are supporting them and making sure that we are doing everything we can throughout the pandemic. That includes taking care of our HSC students. Today we have released the snapshot of students who are sitting the HSC this year. We also talked about the Stay Healthy HSC hub. Our partnership with ReachOut Australia makes sure that we have great mental health and

wellbeing support for our HSC students, whose exams start in a matter of weeks. I completely disagree with the premise of the motion. There is no distraction when it comes to leadership in the National Party. We are getting on with our job. We have raised an issue which matters to our communities in relation to the State environmental planning policy. We will discuss that in Cabinet. We are happy to be on the public record saying that this matters to us and we are getting on with our jobs at the same time to represent the people of the bush.

The Hon. ADAM SEARLE (11:46:44): The relationships in this Government are broken. All the Government members will vote unanimously against this motion. They will probably vote against Labor's no-confidence motion in the Deputy Premier in the other place. But we only have to see the body language to see that the Premier cannot even refer to the Deputy Premier by name. They avoid each other in the corridors. This is a government that has a clear and present crisis that is distracting members from their job. As the Leader of the House has said, we can all read. We can see the various free character assessments that senior Ministers have given the Deputy Premier. That is the issue. How can a government so deeply and personally riven carry on in the way that it has without resolving these issues? What is this issue that is of such consequence?

I note the comments made by the Leader of The Nationals in this place about how the koala State environmental planning policy is a matter of vital concern to regional communities. Planning Minister Rob Stokes posed the question in his op-ed on Friday, "So why on earth is Mr Barilaro trying to weaken koala laws—why now, why ever?" In today's newspaper we have seen the answer. It is not that the Deputy Premier has been advocating for regional or rural New South Wales. He has been advocating for the interests of a developer: the former Lord Mayor of Newcastle, Mr McCloy. Who is Mr McCloy? He is the man who tried to challenge the prohibited developer laws that Labor introduced in this State. He is the man who literally sat in the back of his Bentley and gave a \$10,000 "donation" in a brown paper bag to the former member for Charleston while he left his dog on the slab. This is the man whose interests the Deputy Premier was advocating for. He was not advocating for farmers.

The PRESIDENT: Order! I call the Hon. Sam Faraway to order for the first time. I call the Hon. Matthew Mason-Cox to order for the first time.

The Hon. ADAM SEARLE: The Hon. Sam Faraway's leader was not advocating for the interests of regional communities. He was not advocating for the interests of farmers. He was advocating for developer interests only.

The Hon. Sarah Mitchell: Point of order: My point of order goes to relevance. The motion talks about comments that were made, but also about the Government being distracted during the pandemic. I do not think this is at all relevant.

The PRESIDENT: I uphold the point of order. I do not see where it fits within either paragraph (1) or, more importantly, paragraph (2) of the motion.

The Hon. ADAM SEARLE: It goes to what is distracting the Government but I will not cavil with your ruling. As to the second part of the motion, the Leader of the House said the Government has put in place a range of measures to deal with stimulus to protect and retain jobs. The fact is there is less to those measures than meets the eye. They fall apart upon close examination. The Government has over-promised and underdelivered. [*Time expired.*]

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (11:49:55): It would be no surprise that I do not support the motion. The Nationals and the Liberals are a coalition, but we are different parties and sometimes we disagree. That is not a bad thing. The narrative is that we have been working very hard in our portfolios. I welcome questions in this place in my role as the Minister for Mental Health, Regional Youth and Women. I will address the Leader of the Opposition's commentary. It is not wise for the Labor Party to talk about bags of money. I will leave it there. The National Party is completely united behind John Barilaro, as was evident yesterday.

The Government has delivered a very strong response in the mental health portfolio during this time. To say that we have not and that we are not laser focused on our priorities and responsibilities is completely inaccurate. The \$73 million mental health package includes \$21 million to recruit specialist clinicians; expanded mental health services; an enhanced Mental Health Line; \$6.1 million to support first responders, including police and ambulance; and money for Tresillian. I have spoken many times in the House about the app and the measures the Government has taken. Every day we are laser focused on what we need to do. The Government has responded incredibly well to COVID-19. All members should be extremely proud. We are a stand-out State, so much so that Mr Daniel Andrews and his Labor Government have sent people to New South Wales to learn from us. We are doing a sterling job. That does not happen unless Government members are laser focused on what needs to happen, and that is exactly what we have been doing.

The PRESIDENT: Order! I call the Hon. Mark Buttigieg to order for the first time.

The Hon. BRONNIE TAYLOR: The Government has met twice with the Regional Youth Taskforce, in a virtual meeting and a COVID-safe meeting. Those meetings were extremely successful. I have spoken often in the House about the task force. The Government has reduced the cost of living by providing up to 70 rebates and other savings have been made available through Service NSW. The Government is building water infrastructure, including three dams—something that has not been seen in New South Wales since the 1980s. That points to the ridiculousness of the motion. The Government is creating jobs in the region through special activation precincts. When we talk to people on the ground and to country mayors, they say the investment in rural and regional New South Wales is unprecedented. That comes down to the Government and the hard work of Government members every day. We are completely focused on what we have to do.

The PRESIDENT: Order! I call the Hon. Walt Secord to order for the first time. This nonsense will stop.

The Hon. JOHN GRAHAM (11:53:26): I will contribute briefly to debate on the motion. The Government has made very weak contributions to the debate. The Leader of the House did little to defend the Deputy Premier. He spoke about the policy but he would not touch on the Deputy Premier. The contribution from one Minister was, "We are not distracted. This is what I am up to." I agree that the education Minister has been busy but it is naive to say that her colleagues have not also been busy. Another Government Minister repeated the contribution she made yesterday and would not refer to David Elliott, the Minister for Police and Emergency Services. The Premier did exactly the same with the Deputy Premier. The Government has refused to talk about the Coalition on repeated occasions while the Coalition parties try to run the State. It has been a very weak defence. I do not expect the Government to vote for the motion but, rather than pretend that nothing is wrong, a better response would be to say, "This has been a tough issue. We have had some disagreements." Clearly something is wrong at the moment.

The PRESIDENT: Order! Ministers will cease interjecting or I will call them to order.

The Hon. JOHN GRAHAM: I agree with some of the comments made by the Hon. Mark Latham about the policy culture that has developed in the Government. That is an issue and the Premier has created it. Labor says there is dysfunctional regulation while there is disagreement between those who want to save the koalas and those who do not. I agree that there is an issue with the mapping, but the one thing both parties in the Government agree on is that they will not properly resource the agencies that should be in charge of testing the mapping on the ground. Resourcing is a major reason why the policy is falling over and that is an issue. Things will not improve until the Government tackles the issue. The Deputy Premier should take his own advice from November 2017 when he said:

You've got a party in disarray, a Coalition government in disarray and a community not unified and that is all at the feet of the Prime Minister of Australia.

That is what he said when he called on the Liberal Coalition Prime Minister of Australia to resign. The Government was distracted then and he called it. The Government is distracted now, so he should take his own advice and resign. [*Time expired.*]

The Hon. WES FANG (11:56:35): It would surprise nobody that I oppose the motion. It pleases me that these motions are brought before the House because they say more about the members who move them than about members on this side of the Chamber. Some of the contributions today are very concerning for rural and regional communities. Members opposite have shown that they are prepared to blindly adopt policies that will hurt rural and regional communities and criticise members on this side of the Chamber when we wish to debate those policies. Let this be the noose that hangs around the neck of Labor. If Labor members were ever in power, they would abandon rural and regional communities.

The PRESIDENT: Order! I call the Hon. Rose Jackson to order for the first time.

The Hon. WES FANG: Opposition members would have heard from their communities about their concerns and issues with the policy, yet they blindly attack the Government and follow the Labor Party ideology. That is another example of how Labor, if it were in power, would affect rural and regional communities. I welcome the motion today. The Opposition has shown to the communities that I know, that I represent and that I am prepared to stand up for—as I did when I commented on the policy as a member of the Government—that Labor will abandon them. As a member of the Government and as a member of The Nationals, I am proud to say that this motion says more about the members opposite than it does about us. The Government has highlighted the issues with the policy and we have worked with our Coalition partners. With a little bit of luck there will be a change to the policy, which shows that the Liberal Party and The Nationals can work together in government.

The PRESIDENT: Order! Pursuant to standing orders debate is interrupted to allow the mover of the motion to speak in reply.

The Hon. PENNY SHARPE (11:59:17): In reply: I am not sure what to do with the Hon. Wes Fang's contribution. The motion asks members to express concern about the Coalition's ability to deal with the economic difficulties of the pandemic that New South Wales is dealing with. Yes, Ministers wanted to list what they have been doing and that is fine; every Minister can and should be able to do that. The issue being dealt with is the way in which the Government and Cabinet function, and the need to have relationships and the ability for people to talk and work through issues together and quickly. We have seen that the Deputy Premier and The Nationals seem to ignore the work of Cabinet on not just this issue but also a whole range of different issues. They do not seem to read their briefs and allow things to go through. In fact, things get signed off at Executive Council and then all of a sudden, instead of picking up the phone to the Minister about a concern—or perhaps writing a letter for a developer to the Minister—the Deputy Premier goes screaming to the media and threatens to completely destabilise the Government.

However, he wants to keep his car and jobs for himself and his staff. That shows a fundamental lack of understanding and care for the people of New South Wales who have lost their jobs. Those people do not know where their next meal is coming from or how they are going to pay the rent or get back into the workforce. The very people that The Nationals talk about constantly, who have real problems with bushfire recovery, do not have a roof over their heads. We still have people living in tents on the South Coast and the Deputy Premier is supposed to be in charge of that issue. There are a whole lot of border issues in the north and the west. The Deputy Premier is talking about fencing but the people of Broken Hill cannot even get to a hospital because of what he is doing.

Ministers gave lists of what they are doing, chest-beating about how great The Nationals are, but that is not what the motion is about; it is about functioning government and behaving like grown-ups, talking to one another on the issues that matter and resolving in a mature way the difficult questions and wicked problems that the State faces. We do not have that. We have the Premier who cannot even look at her deputy, we have all of the Liberal Ministers and a bunch of backbenchers leaking to the media constantly, and we have a Deputy Premier who chucks a tantrum every single time.

Let us not forget that this is the fifth time that he has put on this kabuki performance and threatened to leave the Coalition. The motion is not about a list of the things The Nationals are doing. We have had plenty of critique on what is going on around COVID. The motion is about expressing concern for responsible government in the State. It is about expressing concern for people who do not seem to actually work like grown-ups, as the people of New South Wales need them to.

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

The House divided.

Ayes23
Noes17
Majority.....6

AYES

Banasiak
Buttigieg (teller)
Faehrmann
Houssos
Latham
Pearson
Searle
Shoebridge

Borsak
D'Adam (teller)
Field
Hurst
Mookhey
Primrose
Secord
Veitch

Boyd
Donnelly
Graham
Jackson
Moriarty
Roberts
Sharpe

NOES

Amato
Farlow
Harwin
Mallard
Mitchell
Tudehope

Cusack
Faraway (teller)
Khan
Martin
Nile
Ward

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

Motion agreed to.

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

*Questions Without Notice***KOALA POPULATIONS AND HABITAT**

The Hon. ADAM SEARLE (12:11:43): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Planning and Public Spaces. Given it has been revealed that the Deputy Premier's sole written representation to the planning Minister regarding the koala State environmental planning policy was on behalf of disgraced Hunter developer Jeff McCloy, will the Minister now detail to the House how many other representations for developers have been made to the planning Minister against the koala SEPP?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:12:16): I thank the honourable member for his question, which was addressed to the Minister for Planning and Public Spaces in the other place, whom I represent. As it contained quite an amount of detail I will seek advice and get back to the member as soon as possible.

COVID-19 AND ARTS AND CULTURE

The Hon. SHAYNE MALLARD (12:12:37): My question is addressed to the arts Minister. Will the Minister update the House on how the New South Wales Government is supporting the arts and cultural organisations that have been impacted by COVID-19?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:12:56): I thank the Hon. Shayne Mallard for his question. I note that there has been some commentary on this today, so I welcome the opportunity to clear things up. I am absolutely committed to ensuring that the arts and cultural sector in New South Wales emerges from the current COVID-19 crisis on its feet. Since the outset of COVID-19, Create NSW has been working closely with peak bodies, the Artform Advisory Boards, key sector leaders and organisations across the arts, screen and cultural sectors to identify how best the Government can provide support during this period.

In response, in May 2020 the New South Wales Government announced the \$50 million Rescue and Restart package for New South Wales arts and cultural organisations to ensure the sector remains viable. The package is being delivered in two stages: \$25 million will be allocated now to rescue organisations in financial distress and the second stage will be \$25 million to enable organisations to restart operations once a clearer picture of the New South Wales public health situation emerges. As at 15 September 2020—

The Hon. Mark Latham: Point of order: My point of order is under Standing Order 91 (4), the reading out of documents at unreasonable length. This week the Leader of the Government has read out every answer from the Government side in lengthy, pre-prepared answers, reading out words written by who knows whom. It is clearly against Standing Order 91 (4) and sets a very bad example for the Chamber, where responding to questions should be extemporaneous. One would expect the arts Minister to be able to stand on his feet and give us his own words, rather than written words in answer to a pre-prepared question.

The PRESIDENT: There is no point of order. In fact, it is more of a debating point than a point of order. Standing Order 91 (4) states, "A member may read reasonable lengths of extracts from books, newspapers, publications or documents." In my view, the Minister was reading reasonable extracts.

The Hon. DON HARWIN: As at 15 September 2020, 90 applications for the rescue package have been received, with 75 companies providing all required information. Of those 75 companies, 27 have already been assessed and have received support. Of the remaining 48 companies, three have been assessed as ineligible, 24 have been assessed as not requiring immediate funding but are being continually monitored as conditions change, and 21 are currently under assessment. Create NSW walked the companies through the application and assessment process, which includes—

The Hon. Mark Latham: Point of order: Mr President, you ruled on reasonable reading from a document. Is it reasonable for the Leader of the Government to read his entire answer from the one document? Surely it has become unreasonable now, under Standing Order 91 (4), for the Minister not to use a single one of his own extemporaneous words but rather to read every single word from a pre-prepared document?

The PRESIDENT: There is no point of order. The Minister is in order in accordance with the standing orders.

The Hon. DON HARWIN: Create NSW walked the companies through the application and assessment process, which includes assessments by Create NSW, Treasury and also PricewaterhouseCoopers, for allocations exceeding \$100,000. To date, I have approved a total of \$12.3 million in funding allocations to the most vulnerable

organisations—approximately half the total under the rescue side of the Rescue and Restart package. This includes \$1.5 million for small micro arts and cultural organisations. [*Time expired.*]

I think we may be having the same problem as yesterday. I will, nevertheless, seek leave to continue my answer for just one minute.

Leave not granted.

THE HON. JOHN BARILARO

The Hon. PENNY SHARPE (12:17:36): My question is directed to the Minister for Mental Health, Regional Youth and Women. Given her answer yesterday in relation to bullying within the ministry, has the Minister now raised with the Deputy Premier the concerns expressed by the Parliamentary Secretary for Cost of Living?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:17:54): I thank the Hon. Penny Sharpe for her question. I refer the member to my response yesterday about bullying. If I see bullying I will report it and I will call it out.

The Hon. PENNY SHARPE (12:18:10): I ask a supplementary question. I thank the Minister for that answer. Will the Minister elucidate her answer? Does that mean the Minister has never seen bullying from the Deputy Premier?

The PRESIDENT: I will allow the supplementary question.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:18:40): No, I have never seen the Deputy Premier, the Hon. John Barilaro, bully anyone.

STATE ECONOMY

The Hon. MARK LATHAM (12:18:51): My question is directed to the Minister for Finance and Small Business. I refer the Minister to the seminar conducted last month in the Treasury where there was an attempt to abolish dangerous words like "ladies and gentlemen", "husband and wife" and "guys". Will the Minister explain to the House how language control and political correctness can possibly deal with the deep recession that New South Wales is in, whereby thousands of businesses have had to close, hundreds of thousands of people have been thrown out of work and the economy has contracted by 8.6 per cent? Is it not time for the Deputy Secretary, Economic Strategy and Productivity, to actually work on economic strategy, productivity and job creation?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:19:39): Would the President remind the Hon. Mark Latham how many warnings he is on?

The PRESIDENT: I call the Hon. Damien Tudehope to order for the first time. It is not his job to do that; his job is to answer questions.

The Hon. DAMIEN TUDEHOPE: In the interests of giving extemporaneous answers and not having prepared notes on any of this, it is important that I start with the last part of the question about what the New South Wales Government is doing and how it is guided by Treasury in ensuring that the State retains the gold standard for the way the country is responding to the pandemic. There was a lot of debate earlier about so-called distractions around the pandemic response, but no member said that we ought to be compared with Victoria in the way that we deal with the pandemic. This Government knows how to deal with an economic crisis, it knows how to deal with a health crisis and it just gets on with the job.

The Hon. Peter Primrose: We have the ruby standard.

The Hon. DAMIEN TUDEHOPE: One of those things—

The PRESIDENT: The member will not acknowledge interjections.

The Hon. DAMIEN TUDEHOPE: I am directing my response through the chair. The issue with which the Hon. Mark Latham started his question was addressing a seminar regarding Treasury. I will quote from a prepared document, which has come from another source. *The Daily Telegraph* reports that the Treasurer, responding to what occurred at that seminar, said:

I know Joann very well and she wears her heart on her sleeve but you can't be telling people what they can and can't put on emails like this.

Instead, Mr Perrottet said that he wanted the department focused on getting on with the job of economic recovery from the pandemic, not political correctness.

The PRESIDENT: The Clerk will stop the clock. The Minister will resume his seat. I remind members that the Hon. Mark Latham is on two calls to order, the Hon. Sam Faraway is on one, the Hon. Matthew Mason-Cox is on one, the Hon. Mark Buttigieg is on one, the Hon. Walt Secord is on one, the Hon. Rose Jackson is on one and the Hon. Damien Tudehope is on one.

I call the Hon. Penny Sharpe to order for the first time. I call the Hon. Trevor Khan to order for the first time. I had absolutely no chance of hearing what the Minister was saying for the past 20 seconds. I do not know how Hansard can pick up what is being said by the Minister with all the interjections. It makes it difficult if a supplementary question is sought and I need to rule on it. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The Treasurer told 2GB radio:

I do not care if people call their spouse husband, wife, partner, boyfriend, girlfriend, darling, honey, babe. We can't have people get rid of their own identities for other people's inclusion. Yes, we want people to feel included in the workplace but we would not have Father's Day if we keep going down this path because some people do not have a father.

I endorse those reflections and note they were endorsed by the Hon. Daniel Mookhey as well. [*Time expired.*]

HIGHER SCHOOL CERTIFICATE

The Hon. WES FANG (12:23:51): My question without notice is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on this year's Higher School Certificate enrolment data?

The PRESIDENT: I call the Hon. Daniel Mookhey to order for the first time.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:24:18): I thank the member for his question about the class of 2020, which is preparing to sit the HSC with just over a month before the exams begin on 20 October. It has been an extraordinary year for our HSC students. Today the Government has released the 2020 HSC enrolment data, which shows more than 60,000 students are on track to receive their HSC this year. This group of students started kindergarten in 2008 and are about to come to the end of their 13-year education career. Maths, biology and business studies continue to attract the highest enrolments, outside of English, which is compulsory. The most popular vocational education and training course is still hospitality, while business services, construction and human services have increased their numbers by around 10 per cent over the past five years. Excitingly, the number of girls taking up construction continues to increase.

Japanese is again the most popular language, while Arabic, Korean and Spanish have grown substantially over the past five years. A fun bit of trivia is that 879 sets of twins and 23 sets of triplets are doing the HSC this year; Castle Hill High School alone has seven sets of twins. Some students are sitting HSC exams before reaching year 12, including a 14-year-old Marsden High School student studying chemistry, physics and maths extension 2, who will have only one subject to complete their HSC after this year, which is a remarkable achievement. Baulkham Hills High School has 20 15-year-olds taking one or more HSC courses. I am sure colleagues in this Chamber will agree that the HSC group is full of inspiring, impressive and driven young adults who have managed a number of challenges with grace.

Whether living in regional, rural and remote areas or metropolitan areas, students have persevered through a year that none of us could have anticipated. Now that they face that final hurdle, the entire community is behind them and cheering them on. That is why today I joined the CEO of ReachOut, Ashley de Silva, to launch a renewed focus on wellbeing support for our year 12 students. That includes our Stay Healthy HSC hub, offering social initiatives connecting students, schools and families with more information and resources. My message to students is that the finish line is in sight and it is important now more than ever that they continue taking care of themselves.

The students' mental health and wellbeing are more important than any exam. I remind the students that they are surrounded by people who support them. This is an opportunity for all members to not only wish the HSC students the very best for the exams, but also thank the teachers, principals, sector heads, school communities, parents and families who have been instrumental in getting students to this point. I am sure all members of the House echo that sentiment and I offer my sincere thanks to them for that. Finally, all the best to students as they make their final preparations. We are all behind them and cannot wait to see what they achieve.

COVID-19

Reverend the Hon. FRED NILE (12:27:17): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Health and Medical Research. Will the Minister confirm that the US Centers for Disease Control and Prevention [CDC] has updated its figures for the fatality rate of the COVID-19 virus, which now show that only 6 per cent of deaths were completely caused by the virus itself—that is, just 9,000 and not 153,000 deaths? Will the Minister assure the House that similar

outrageous discrepancies in the way that the data has been recorded are not being repeated here in New South Wales? Moreover, will the Minister confirm the CDC *Morbidity and Mortality Weekly Reports*—namely; that there has been a corresponding drop in infant mortality with "a sharp decline in provider orders for vaccines as well as a decline in paediatric vaccine doses administered"—[*Time expired.*]

The PRESIDENT: The Minister is at liberty to answer that part of the question she believes that she can. She is also at liberty to look at the question if she wants.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:28:44): I thank the member for his question. It is quite detailed with a lot of different parts. He asks about the US Centers for Disease Control and Prevention [CDC]. I do not have those figures with me at the moment. New South Wales now has 3,987 patients confirmed with COVID-19 and—I am sad to say—54 lives have been lost in our State. They are caused by a likely source of infection.

There have been some cases acquired overseas; that is over 2,000 people. Ninety cases have been acquired interstate and 1,393 have been locally acquired through contact with a confirmed case in a known cluster. We know that 86 people with COVID-19 are in the care of NSW Health, including in intensive care units, other ward types, Hospital in the Home or other out-of-hospital care. It has been very well managed. I have spoken to quite a number of families that have had family members who have tested positive, such as young children attending school. They have been very complimentary about the way the services in NSW Health have been supporting them at home and through the community by phoning them every day and checking in.

The Commonwealth reported that as at 7.00 p.m. on 13 September 2020 there were 26,651 patients who had been confirmed to have COVID-19 in Australia, including 1,149 in Queensland, 19,835 in Victoria—a very difficult time for the Victorians—659 in Western Australia, 466 in South Australia, 230 in Tasmania, 33 in the Northern Territory and 113 in our nation's capital. I have said numerous times in the House that New South Wales and Australia as a nation have done such a terrific job in response to the pandemic. Everyone has worked together; that has been a really great thing. The people who need the biggest shout-out are the people who have worked on the pandemic in NSW Health.

SCHOOL CURRICULUM

The Hon. PETER PRIMROSE (12:31:57): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that her department has been aware for almost three years that two-thirds of New South Wales public school teachers reported that they did not receive the proper training to teach grammar, punctuation, spelling and sentence structure, why has the Minister not taken any action?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:32:32): I thank the member for his question in relation to the teaching of writing in our schools. He asked about why action has not been taken; action has been taken. The thematic review into teaching writing makes it clear that to better support our students and teachers, we need to make the explicit and systematic teaching of writing a key focus of the New South Wales curriculum. The report was commissioned by the NSW Education Standards Authority [NESA] and I am pleased to say that NESA has agreed to all of the recommendations that have come through from that report. In fact, it is also incorporating the review's recommendations for improving how writing is taught into the implementation plan for the new State curriculum.

The report asserts the importance of teaching writing as a whole-of-school responsibility and it also highlights the fact that we need to have specific resources for teaching writing in subjects other than English. I am very pleased to inform the member and others in the House that the new syllabuses will explicitly reference the teaching of writing not just in English, but also in subjects like history and science that have their own style of writing. I am happy to tell the member that the Government has a range of measures in place that are aimed to improve the quality of our teaching workforce. Those wishing to study teaching at university must achieve at least three Band 5s in their HSC with one of them being in English, which recognises the importance of that skill. Primary teachers must achieve at least a Band 4 in maths.

Those who are finishing their degrees and wanting to work in government schools must meet the teacher success profile that the Government has introduced, meaning that they must achieve at least a credit grade point average, undergo psychometric assessments, be assessed on all of their practicals and pass a one-on-one interview. The Government is making sure that it looks after our existing teaching workforce when it comes to improving their capabilities through professional development for existing teachers and providing them with the evidence-based tools they need to improve their teaching practice when it comes to writing. The other big piece of the equation is the instruction that is happening in our universities. The report shows that it is very clear that our universities must do more to raise the quality of their initial teacher education graduates.

The Government will support them in doing this. I have had many conversations with universities, particularly those that have responsibility in education, about what we need to do to make sure that they are focusing on producing the highest quality graduates who have capacity and skills when it comes to teaching something as fundamental as writing. There is a lot of responsibility at the feet of our universities. They need to ensure that they are graduating students with those skills who go on to teach in our classrooms. That is why it is important that the Government takes note of the report. That is what it is doing and it is implementing the recommendations.

The Hon. PETER PRIMROSE (12:35:28): I ask a supplementary question. Will the Minister please elucidate her answer by outlining what milestones she expects to be reached—and when—in relation to the implementation of the improvements that she has outlined?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:35:40): I thank the member for his question. I am happy to take the supplementary question on notice in terms of the milestones. As I said, the report was commissioned with NESA. There is a lot of work already underway and there is more to come, but I will take it on notice because I need to seek some advice from NESA in relation to the specifics that the member has asked for.

The Hon. COURTNEY HOUSSOS (12:36:03): I ask a second supplementary question. An education consultant was quoted in *The Sydney Morning Herald* yesterday on the subject of changes to the curriculum review. They said:

They constantly seem to be under review to change ... There is a view that the changes will make no substantive difference.

Given that, would the Minister be able to elucidate the part of her answer where she referred to including writing in the new curriculum review?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:36:37): With respect, I disagree with that. The Government is very much focused on making improvements as part of its curriculum review. NESA is the independent body that works on the curriculum not just for government schools, but for all schools. It has made it very clear that it wants to make sure that the new syllabuses explicitly reference the teaching of writing not just in English, but also in other subjects such as history and science. That is exactly what the Government wants to do as part of the curriculum review. I have every faith in that process and that we will see good outcomes.

WOMEN'S FINANCIAL TOOLKIT

The Hon. SAM FARRAWAY (12:37:19): My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on the Women's Financial Toolkit - It's your future?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:37:35): I thank the member for his question. I am very pleased to advise that the Government has launched the Women's Financial Toolkit - It's your future. It is an online one-stop shop available 24 hours a day, seven days a week, for women to easily access reliable, free information about a diverse range of financial matters. It has been divided into three sections: managing everyday money matters, help with unexpected issues and planning for the future. The toolkit directs women to trustworthy information on matters such as starting a new job or business, budget planning, managing credit card debt, having a baby, saving for a house, planning for retirement, superannuation, avoiding scams and what to do in times of financial hardship.

It was made evident through the Council for Women's Economic Opportunity [CWEO] that there was a lot of information out there but it was hard for women to find. If we can set women up to have good financial security, we are setting them up for success. It was decided that we would work together to create a one-stop, safe place for women to go that offered support and good, reliable, trustworthy sources of information. Many women would not know that those services exist. The Government wants to help them and educate them that support is available. A self-funded retiree, for example, might use the retirement village calculator to plan for the next stage of life. A woman might be starting a new business and will find information on how to set up an Australian business number, how to register their business, business planning guidelines, business and trade licences and links to female support networks specifically for female business owners. The toolkit also includes links to businesses, finance and money tips for Indigenous women, such as Mob Strong Debt Help, and refugee rights and services.

As members know, we are living in incredibly challenging times. I am committed to providing all women across New South Wales with the resources to explore and build their financial wellbeing, whatever their personal circumstances. By enabling women to plan for their futures and secure their financial wellbeing they will avoid issues such as homelessness. The toolkit was developed by Women NSW and the NSW Council for Women's

Economic Opportunity, which I chair. I thank the CWEO members for volunteering their time and for their commitment, passion and professional advice on improving women's financial wellbeing and security. I commend the Women's Financial Toolkit to the House and encourage members to raise awareness of this resource in their local communities. The toolkit is available on the Women NSW website.

GOVERNMENT SCIENTISTS

The Hon. MARK PEARSON (12:40:37): My question is directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, representing the Minister for Energy and Environment in the other place. A study by the Ecological Society of Australia found that 50 per cent of surveyed government scientists said they had been blocked from releasing or discussing their work and that they face an increasingly politicised system in which managers and ministerial staff filter their work. The stress of having their work suppressed was a particular problem with research into threatened species. How does the Minister ensure that scientists can present frank and fearless evidence to support accurate reporting to him about matters relevant to his portfolio?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:41:33): I thank the Hon. Mark Pearson for his question. I am not aware of the particular study the question refers to but it sounds interesting. The question seeks a response from the Minister about the specific actions he is taking. In those circumstances it is appropriate that I refer the question to my colleague the Minister for Energy and Environment for a response.

SCHOOL CURRICULUM

The Hon. JOHN GRAHAM (12:42:23): My question is directed to the Minister for Education and Early Childhood Learning. Given the Minister's earlier answer and given that the NSW Education Standards Authority report into literacy standards found a decline in New South Wales school students' writing skills, with year 9 students in 2019 five months behind where year 9 students were in 2011, what urgent steps is the Minister taking to ensure that New South Wales teachers have the right curriculum and resources to arrest that decline?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:43:01): I thank the member for his question on an important issue. It is good that we are discussing education standards in the House today. For the most part, I refer to my earlier comments in response to the question from the Hon. Peter Primrose. As I said, the NSW Education Standards Authority [NESA] has received the report and incorporated the review's recommendations into the planning work it is doing on the new State curriculum. It is looking also at the professional development opportunities required for existing teachers. Only this morning I had a conversation with the CEO of NESA about what it is doing.

I will restate the point I made in response to the earlier question. Yes, we must look at what we are doing about the curriculum and supporting the current teaching workforce. However, what is equally important, and arguably more important, is making sure that universities equip teachers with the skillset they need to teach writing confidently. As I said in response to the Hon. Peter Primrose, it is very important that universities do more to focus on raising the quality of initial teacher education graduates. I have raised that with education faculties around the State and will continue to do so because we need to work together to ensure teachers have the confidence to teach writing for the benefit of our students.

The Hon. JOHN GRAHAM (12:44:24): I ask a supplementary question. Will the Minister elucidate her answers by explaining what she considers the problem to be? Does she agree with Eva Gold from the English Teachers Association NSW, who is reported as saying that each subject has its own way of thinking and therefore its own way of writing, or is she on the side of the former NESA chair, Tom Alegounarias, who has called for writing to be returned to English teachers and has said, "When it was everybody's business it became nobody's business"?

The Hon. Trevor Khan: Point of order: The Hon. John Graham's question is not a proper supplementary question. Rather, it was more in the nature of a new question and should be ruled out of order.

The Hon. John Graham: To the point of order: My question goes to the heart of the position that the Minister has put to the Chamber, which is that we are doing a bit of both approaches. My question asks the Minister to clarify where she stands on the two opposing policy views.

The Hon. Trevor Khan: To the point of order: That is not a proper response. The Hon. John Graham's question maybe an important one but the member cannot use the supplementary question procedure as a mechanism to ask a range of questions without going through the three-stage test, which has not been met.

The Hon. Penny Sharpe: To the point of order: The question does pass the three-stage test. The first stage relates to the original question which was about writing issues and NESA's report. The second stage of the

test concerns how the Minister answered the question. The Minister referred clearly to the report and went into some detail about what will happen next in relation to it. The Hon. John Graham's supplementary question seeks elucidation about the content of the report, which, in fact, asked the basic question: Is it everyone's business or is it just English teachers' business? The question falls squarely within the standing orders and should be allowed.

The Hon. Trevor Khan: Further to the point of order: Again, that goes to the issue. The Minister referred to a report. There is no question about that. One would expect it is probably hundreds of pages long. Simply because something in that report is extraordinarily interesting does not give members the right to ask multiple questions about each item in the report. That is what is going on here.

The Hon. John Graham: Further to the point of order: In responding to my supplementary question, the Minister referred to her earlier answer. That is part of my reason for asking the supplementary question.

The PRESIDENT: I have no issue with the previous answer because the Minister referred to it. However, I have a problem with the Hon. John Graham seeking elucidation of part of the answer given. The supplementary question goes beyond what the Minister said. The member is referring to part of the report of which I am not aware and which was not specifically mentioned by the Minister in her answer. It is a new question, albeit an excellent question that the member may wish to ask later during question time. The supplementary question is not in order.

INFRASTRUCTURE AND JOB ACCELERATION FUND

The Hon. TREVOR KHAN (12:48:15): My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government creating jobs through the Infrastructure and Job Acceleration Fund?

The PRESIDENT: I can still hear the Hon. Daniel Mookhey, which is extraordinary given my hearing. If the Hon. Daniel Mookhey projects his voice one more time, I will call him to order again.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:48:51): From the beginning of the COVID-19 pandemic the New South Wales Government has focused on the twin challenges of an effective, robust and proportionate public health response and an economic response designed to keep businesses in business and workers in jobs. As we move into economic recovery from COVID-19, our focus must be to create new jobs—jobs, jobs, jobs!

The Hon. Mick Veitch: And more jobs.

The Hon. DAMIEN TUDEHOPE: And more jobs. That is why as part of the New South Wales Government's COVID-19 recovery plan we have committed \$3 billion to the Infrastructure and Job Acceleration Fund. Yesterday the Premier and the Treasurer demonstrated how focused this Government is on the task at hand, announcing more than 30 new and fast-tracked health, education, and transport and roads projects to be delivered across the State within two years. Those projects will create up to an estimated 20,000 jobs, which include \$60 million for the Sydney Children's Hospitals Network at Randwick; \$105 million to start work on the \$385 million St George Hospital integrated ambulatory care precinct at Kogarah and deliver it two years earlier than previously planned; \$52 million to start work on the \$700 million Shellharbour Hospital, which is to be built on a greenfield site; and more than \$300 million for schools, including \$90 million for an upgrade at Carlingford West Public School—a great school—and \$57 million for a new primary school at Googong.

I will also include \$90 million for stage one of the Spring Farm Parkway; \$28.2 million for stage one of Mamre Road; and an initial \$20 million to start work on the Coffs Harbour Jetty Foreshore Precinct, with up to \$76 million subject to further community consultation on the project. I acknowledge that this is the subject of a Standing Order 52 motion before the House later today. Opposition members' Standing Order 52 motions are all about "How do they do it? How are they so good at getting this stuff done?" They want to get the documents so they can see how we do it because we are so good at getting stuff done. They need the documents to develop policy. That is the nature of their policymaking: Get it from the Government so they can develop their policies. We will show them how it is done because this sort of program and this sort of policymaking is at the heart of policy response.

The Hon. Adam Searle: Point of order—

The PRESIDENT: The Minister's time has expired but I will hear the point of order.

The Hon. Adam Searle: May I assume, therefore, that the Government will be supporting the Standing Order 52 motion?

The Hon. Damien Tudehope: We will be opposing it.

The PRESIDENT: There is no point of order.

MANUFACTURING INDUSTRY

The Hon. ROD ROBERTS (12:51:54): My question is directed to the Leader of the Government in the Legislative Council, the Hon. Don Harwin, representing the Premier. On 25 August 2020 the Premier said, "Australia and New South Wales are no good at building trains. That is why we had to purchase them." Will the Minister explain this statement further, in particular why New South Wales is no good at making trains and what action the Government is taking to ensure that New South Wales is good at making trains and creating manufacturing jobs in this State?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:52:36): I imagine that the small business Minister could go on at some length about all the excellent work to improve manufacturing in this State. This morning I was reading about an excellent conversion of existing manufacturing capacity in the Shoalhaven to ensure that there is, effectively, import replacement. Frankly, there is a lot going on right now. Regarding the member's request for comments on the Premier's specific remarks, I will refer them to the Premier and come back to him with a response.

COVID-19 AND COMMUNITY LANGUAGE SCHOOLS

The Hon. COURTNEY HOUSSOS (12:53:33): My question is directed to the Minister for Education and Early Childhood Learning. Why were community language schools, which had COVID-safe plans in place, abruptly forced back to remote learning two weeks ago? Will the Minister detail the rationale behind the decision?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:53:55): I thank the member for her question on the decisions we made about the operation of community language schools. Obviously, any advice that comes from the department about restrictions or changes in relation to COVID-19 is based on advice that comes from Health. I do not have that advice with me, but I will see whether I can get it before the end of question time. If not, I will come back to the member shortly with a response. My recollection—again, I would prefer to have the detail in front of me—is that there was a concern about different students from different parts of the community coming together and how that would work. Rather than relying on a recollection, I would prefer to get the detail and come back to the member with a response as soon as I can.

The Hon. COURTNEY HOUSSOS (12:54:43): I ask a supplementary question. Will the Minister elucidate her answer on the advice and will she guarantee that students will be able to return to face-to-face learning in term 4?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:54:55): As I said in my previous answer, I will get the details. I guarantee that we will look to lift any restrictions we can in relation to any COVID advice that comes to our communities based on what Health tells us. We have seen that throughout the pandemic—each term we have provided updated advice to schools on what we must do in our school communities to ensure that we keep them safe. We are continually working on that with Health. If restrictions can be eased, whether it is in relation to community language schools, sports or parents coming onto school sites, we actively consider them on advice from Health. We intend to produce some updated guidelines to school communities at the start of term 4. That will all be based on Health advice, which is the sensible thing to do. I give the member a guarantee that we are looking at what we can do to get back to a sense of normalcy as soon as we can, as long as it is in line with the advice that Health gives us.

The Hon. ROSE JACKSON (12:56:00): I ask a second supplementary question. Will the Minister, if possible, elucidate the part of her answer on the Health advice that led to the return of remote learning at community language schools? Given the additional resources required for remote learning in line with Health advice, will the Minister commit to providing additional funding for community language schools in the upcoming budget to ensure compliance with that advice?

The Hon. Shayne Mallard: Point of order: That is a new question.

The Hon. Courtney Houssos: To the point of order: In her answer the Minister specifically spoke about the resources that were being provided in order to facilitate remote learning. This is seeking an elucidation on the support and resources that are provided in order to ensure that COVID-safe operations occur.

The Hon. Shayne Mallard: Further to the point of order: It was a specific question about budget allocation, which is a new question.

The PRESIDENT: I uphold the point of order. I find it difficult to see how it was a supplementary question. I am sure that it will be an excellent question for another time.

EMERGING ENERGY PROGRAM

The Hon. SHAYNE MALLARD (12:57:30): My question is addressed to the Leader of the Government, representing the Minister for Energy and Environment. How is the Government supporting innovative, on-demand energy technologies?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:57:42): I thank the Hon. Shayne Mallard for his question. Like electricity grids across the world, New South Wales is experiencing an influx of low-cost wind and solar generation, which is helping to improve competition within the market and drive down energy prices for New South Wales residents. At the same time, it is absolutely critical that we maintain the reliability and security of our grid. Reports by the CSIRO and other independent bodies have found that the cheapest, most reliable form of new-build generation is large-scale renewables supported by firming technologies such as batteries, pumped hydro and gas-fired peaking capacity. That is why firming technologies were the focus of a key election commitment I gave on behalf of the Government as energy Minister—the Emerging Energy Program. I am pleased to inform the House of some of the results of that program as it has been rolled out since the election.

Because of the program, New South Wales is set to lead the nation on big batteries and cutting-edge storage technologies. The Government announced that it is investing \$37½ million in new, reliable generators that are needed to modernise and secure the New South Wales electricity system. The project includes two big batteries with a combined capacity of 80 megawatts, a six-megawatt virtual power plant and a new 84-megawatt gas battery hybrid project. These four Emerging Energy projects have the potential to add over 170 megawatts of on-demand electricity supply to the grid and are expected to support around 260 jobs and attract \$233 million in private sector investment in the regions that host them. These projects will provide enough reliable on-demand electricity to power more than 250,000 homes for an hour, equivalent to 14 per cent of Sydney's population.

With the storage technologies supported under the Emerging Energy Program, like pumped hydro and big batteries, New South Wales will be able to store a large amount of renewable energy when it is cheap and abundant and have it ready for release as extra electricity when it is needed most. Our modern grid will be made up of a whole range of technologies, from massive pumped hydro projects like Snowy 2.0 right through to local rooftop solar and battery systems. Minister Kean is doing a great job with the program. We have kept our promise to embrace new technology and improve reliability, with New South Wales now leading the nation with these sorts of— [*Time expired.*]

THE HON. JOHN BARILARO

Mr DAVID SHOEBRIDGE (13:00:43): My question is directed to the Minister for Education and Early Childhood Learning, in her capacity representing the Deputy Premier, the Hon. John Barilaro. Why was the Deputy Premier meeting today with billionaire property developer Harry Triguboff? Was it to discuss her party's opposition to the koala State environmental planning policy?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:00:53): I thank the member for the question he has asked me in my capacity representing the Deputy Premier.

Mr David Shoebridge: Of all days to meet with Harry Triguboff.

The Hon. Bronnie Taylor: Point of order: The Minister is attempting to answer the question that she has been asked by the honourable member and he is constantly interjecting. I ask that Mr David Shoebridge be asked to cease interjecting.

The PRESIDENT: Mr David Shoebridge asked the question and the Minister did not manage to get three words out before the interjections started, which I noted occurred at 17 seconds into her time. The member must allow the Minister an opportunity to answer. If the member thinks that Minister is not being directly relevant he can take a point of order but to immediately start interjecting when the Minister has said only a few words is inappropriate. The Minister has the call.

The Hon. SARAH MITCHELL: As I was saying, while I represent the Deputy Premier in this place, I do not have details of his daily diary, who he may or may not be meeting with or what they may or may not be meeting about. Obviously, those matters are disclosed under relevant ministerial requirements. I am happy to take the question on notice, refer it to the Deputy Premier and come back to the member with an answer.

Mr DAVID SHOEBRIDGE (13:02:31): I ask a supplementary question. Noting that the Minister does not have access to the Deputy Premier's diary and noting that only quarterly disclosures are made of ministerial diaries, will the Minister undertake today to get an answer before the end of question time as to whether or not the Deputy Premier did meet today with Harry Triguboff?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:02:55): I have taken the question on notice and said that I would refer it to the Deputy Premier. That is exactly what I will do.

GOVERNMENT PROCUREMENT POLICY

The Hon. WALT SECORD (13:03:03): My question is directed to the Minister for Finance and Small Business in his own capacity and representing the Treasurer. Is the Minister confident that all procurement and probity rules were followed after Boston Consulting Group was given a \$1.095 million contract, without going to tender, to find ways to attract Virgin Australia to western Sydney, and why did NSW Treasury and government officials not undertake this work?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:03:40): Extemporaneously I thank the member for his question. Inherent in the manner in which he has asked the question is an allegation that New South Wales procurement guidelines were, in fact, not being followed in relation to a particular contract.

The Hon. Walt Secord: Exactly.

The Hon. DAMIEN TUDEHOPE: If that is the allegation, then he should make it through the appropriate channels. I have not heard of that allegation and I am the Minister responsible for the NSW Procurement Board. It has not been reported to me. The first I have heard of the allegation is it being made in this place. If there is an allegation to be made about improper conduct by anyone, there are appropriate channels through which to make it. The process can be examined and a proper answer would be available to the member in those circumstances. But let me just address—

The Hon. Walt Secord: Point of order—

The PRESIDENT: The Clerk will stop the clock. I have just been informed that there is a photographer in the public gallery. I have not given consent to a photographer being in the public gallery. I did not want to interrupt question time but it was important to check.

The Hon. Walt Secord: The Minister was debating the question. He has no intention of answering the question. If he is the Minister representing and it is within his portfolio, it is customary that he simply take the matter on notice rather than debate the question.

The Hon. Don Harwin: To the point of order—

The PRESIDENT: I do not need to hear further. The Minister was in no way debating the question. The Minister was answering the question that was asked of him in his capacity and in his capacity representing the Treasurer. He was answering the question by indicating certain matters and he was being directly relevant to the question. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The second component of the question goes to the role of engaging a consultant for the purposes of attracting Virgin airlines to continue its operation in New South Wales. This is something for which the Government ought to be applauded because we want this airline to continue to operate, we want it to continue employing people in this State, we want jobs creation—

The Hon. Walt Secord: Point of order—

The PRESIDENT: The Clerk will stop the clock.

The Hon. Walt Secord: To assist the Minister, he has clearly misunderstood the question. My question relates to Virgin Australia. It did not situate itself in western Sydney. I think the Minister is referring to Qantas. He misunderstood the question; it relates to Virgin Australia and the Government's efforts were unsuccessful.

The PRESIDENT: It is a wide question in that it asks why NSW Treasury officials did not undertake this work without going to tender to find ways to attract Virgin Australia to western Sydney. The Minister is being directly relevant.

The Hon. DAMIEN TUDEHOPE: Attempts by Treasury to engage consultants to attract a major airline to continue operations in western Sydney are something we should fundamentally be committed to. Those opposite have missed that point in their pursuit of an ideological position that there is something wrong with consultants being engaged for that purpose and then, in those circumstances, it does not matter what happens to the contract. If there is a procurement issue in relation to a tender—or lack of a tender, if that is the allegation that is being made in respect of the engagement of Boston consultancy—there are appropriate channels for making that allegation. If the honourable member is in possession of information that suggests that the policies of the

procurement board and the Government's own policies relating to procurement contracts have not been followed, there is a proper way to make that allegation and a proper way for it to be investigated— [*Time expired.*]

The Hon. WALT SECORD (13:09:12): I ask a supplementary question. Will the Minister elucidate his answer in regard to the procurement board? If it was not approved by the procurement board, did he approve the contract not going to tender?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:09:24): What a fundamental misunderstanding of the way that the procurement board is—

Mr David Shoebridge: It is not icare.

The Hon. DAMIEN TUDEHOPE: We will come back to that. Fundamentally, the role of the procurement board is to set the policies by which agencies of the Government enter into procurement contracts on behalf of the Government. The individual agencies will enter into those contracts on behalf of the Government, not the procurement board. In those circumstances, if there is an allegation that the policies of the procurement board have not been followed in relation to this particular contract then honourable members should make the allegation, set out the factual framework upon which it relies and then have it properly investigated. Coming in here and slurring the officials in Treasury for potentially entering into a contract, and making an allegation that there was some impropriety, does the Hon. Walt Secord and this place no service. I invite him to make the allegation, have it investigated properly and then have a report provided.

The Hon. DANIEL MOOKHEY (13:10:48): I ask a second supplementary question. Will the Minister elucidate that part of his answer in response to the supplementary question in which he talked about the procurement policies? Will he identify precisely who approved the contract being issued to Boston Consulting Group without tender, given that the procurement board's policy on direct sourcing requires a senior official or Minister to sign off on a directly sourced contract that is worth more than \$500,000?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:11:24): I thank the shadow Treasurer for his supplementary question. Implicit in that supplementary question is the attempt to flesh out the content of the allegation which is being made. In those circumstances, I again invite—

The Hon. Daniel Mookhey: Point of order: It is direct relevance. I asked the Minister to identify who approved the issuing of the tender. I did not ask the Minister to provide me with advice on how to ask the question. That was the question that I was asking; no allegations are being made. I am seeking an elucidation of a fact under the policy that he made reference to. It is a really simple question: Precisely who approved the granting of a \$1 million contract to Boston Consulting Group?

The Hon. Penny Sharpe: He will have to take it on notice.

The Hon. DAMIEN TUDEHOPE: No. The circumstances in relation to entering into that contract have not been drawn to my attention. If there is an allegation that the processes of the procurement board have not been followed, I have consistently said that there is an appropriate process to go through to make an allegation. I invite those who are interested in the manner in which that contract was entered into to make that allegation and have it investigated accordingly. It does them no credit to come in here and try to flesh out an allegation of impropriety in circumstances—

The Hon. Walt Secord: This is the Parliament, my friend.

The Hon. Bronnie Taylor: Point of order: The interjecting and shouting from the member across the Chamber is most unparliamentary. I would ask that you call him to order.

The Hon. Walt Secord: To the point of order: This is question time. We are the Opposition; we are allowed to ask questions. The Minister is debating the second supplementary question.

The Hon. Bronnie Taylor: To the point of order—

The PRESIDENT: I do not need to hear from the Minister. I remind the Hon. Walt Secord that if he believes the Minister is not answering the question appropriately, he should take a point of order. He should not—which is what this point of order from this Minister is about—scream across the Chamber at the Minister. I uphold the point of order of the Hon. Bronnie Taylor. I call the Hon. Walt Secord to order for the second time.

The Hon. DAMIEN TUDEHOPE: In conclusion, if the shadow finance Minister—

The Hon. Daniel Mookhey: Point of order: The Minister is quibbling now with your earlier ruling in which I asked for him to be directly relevant. I did not ask for advice on how to ask the question; I simply asked for him to confirm precisely who approved the contract. I would ask that you draw him back to that question in the remaining 11 seconds that we have, to see if we can get that question answered. That would be helpful.

The PRESIDENT: There is no point of order. All the Minister basically did was state your title. I am at a loss as to where that was inappropriate. If you had taken points of order when the Minister incorrectly stated your title earlier I would have upheld them. I remind Ministers that I expect them to correctly state the title of members in the future. There is no need to start fabricating titles. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I should preface that by just apologising to the shadow Minister.

The PRESIDENT: Just answer the question; otherwise he will take another point of order.

The Hon. DAMIEN TUDEHOPE: That concludes my answer to the question.

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

COVID-19 AND ARTS AND CULTURE

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:16:20): Earlier in question time the Hon. Shayne Mallard asked me a question about how the Rescue and Restart package is working. I was able to tell the House that the allocation of funds had been divided into two—a rescue phase and a restart phase. I outlined how during the rescue phase we have already allocated at least half of that money, and that we would shortly be moving to the restart phase once the public health information indicated it was appropriate.

When my time expired, I was in the middle of telling the House that the assessments of the applications are done by Create NSW, Treasury and PricewaterhouseCoopers where allocations exceed \$100,000. I just want to particularly add that the package is specifically designed to provide payments to arts and cultural organisations that are in financial distress at the time when they need the funds. That is the crucial thing: when they need the funds. Should organisations' financial situations deteriorate, then more funds automatically flow. I want to make it absolutely clear that in spite of some of the reports that were in the media this morning—

The Hon. Penny Sharpe: This is an abuse of question time.

The Hon. Catherine Cusack: Point of order: All through question time the Hon. Penny Sharpe—perhaps well-meaning—has taken it upon herself to give life coaching to Government members who are trying to speak and answer questions. She interjects advice to them like "table it". It is continuous and, because she is sitting at the table while giving these suggestions to members, it is quite disruptive to their answers. I would suggest that you are the life coach for the Chamber, Mr President, and you are the one who is more appropriate to give that sort of advice. I would suggest that the Hon. Penny Sharpe be asked to desist.

The PRESIDENT: I uphold most of the point of order. I will exclude the part about the life coach.

The Hon. DON HARWIN: You have been my life coach for a long time. Thank you for introducing me to your personal trainer.

The PRESIDENT: The Hon. Penny Sharpe continually—

The Hon. John Graham: Point of order—

The PRESIDENT: I have not finished.

The Hon. John Graham: My point of order relates to that.

The PRESIDENT: That I have not been finishing? Let us finish question time. There will be a take-note debate, which is when the fun will really start. Has the Minister completed his answer?

The Hon. DON HARWIN: No, I have not. I thought you were going to rule.

The PRESIDENT: I uphold the point of order taken by the Hon. Catherine Cusack.

The Hon. DON HARWIN: Is the Hon. John Graham still taking a point of order?

The Hon. John Graham: I was going to ask you to take your seat.

The Hon. DON HARWIN: I do not have to take my seat.

The PRESIDENT: It assists me, but there is no requirement in the standing orders for members to be seated.

The Hon. DON HARWIN: I am standing up for medical reasons. I make it crystal clear that the rescue program is working exactly as it was intended. Since the package was announced in May, not one independent arts organisation in New South Wales has gone under. We have supported the sector when it was needed.

The Hon. Penny Sharpe: Point of order: This is a highly unorthodox contribution from the Leader of the Government. It is not usually the case that a Minister who fails to finish an answer to a dixer during question time, who is denied extra time to continue, then has an unlimited opportunity at the end of question time to finish the answer that they failed to complete. I seek your advice whether this is within the standing orders.

The Hon. DON HARWIN: To the point of order: It has always been the case that Ministers can give information at the end of question time that is directly relevant to the question they were asked. That is why you ask if Ministers have supplementary answers.

The Hon. Penny Sharpe: To the point of order: Let us understand how the Hon. Don Harwin usually deals with supplementary answers. He tables them, but does not tell the Opposition what answers have been put on the *Notice Paper*. This is highly unusual and I would argue that the Government, which has control of the Chamber most of the time, is abusing question time.

The Hon. DON HARWIN: Further to the point of order: A comment was made that I usually table supplementary answers. In fact, that could not be further from the truth. I regularly give supplementary answers in which I provide information that I was not able to give in my answer during question time.

The Hon. Adam Searle: To the point of order: There is a qualitative difference between providing information that the Hon. Don Harwin did not have during question time and simply continuing to answer a question that he did not have time to finish during question time. This is a highly unorthodox approach, if not a breach of the standing orders, and it is transgressing on the goodwill of the House. This was not a question from a non-Government member. The Minister is seeking to continue an answer for which leave was denied by his backbenchers. This is an abuse.

The Hon. Shayne Mallard: Point of order: As the author and the person who asked the question, I am pleased for the Minister in his supplementary answer to finish outlining the funding program. His time to answer the question expired because many points of order were taken. It is important that the answer goes on the record.

The PRESIDENT (13:23:53): I indicate to members that I was in two minds on this excellent point of order. I would have liked more time to consider it, but the Hon. Shayne Mallard has convinced me to uphold the point of order taken by the Hon. Penny Sharpe. The Hon. Shayne Mallard has stated exactly what the Hon. Penny Sharpe and the Leader of the Opposition were complaining about. You have made it clear that the Hon. Don Harwin was, in fact, completing an answer to a question that you asked because he did not have time to answer the question because he was interrupted. I will deal with a couple of important matters. In relation to a Minister being interrupted, that is no longer of any relevance as it was in days past because we stop the clock and no time is taken up.

Under the new sessional orders that came into effect on 8 May 2019, Standing Order 64 states that the time to answer questions is three minutes. In my time as a Minister the time to answer was four minutes, but the House has reduced it to three minutes. I was watching the clock carefully and the full three minutes was provided. It is not usual, as was the practice of the former President, to give Government members an opportunity to ask a supplementary question. It was on that basis that Government members sought a one-minute extension, which is usually granted. In this circumstance it was not. I did not allow the Hon. Shayne Mallard to ask a supplementary question because I had already given another member the call to ask a question. In my view, it was then too late to go back to the supplementary question. Are there any further answers?

COVID-19 AND COMMUNITY LANGUAGE SCHOOLS

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:26:12): If I am game, yes, I do.

The Hon. Mick Veitch: With trepidation.

The Hon. SARAH MITCHELL: No, not with trepidation. Earlier in question time the Hon. Courtney Houssos asked me a question in relation to advice that had gone to community language schools, which I said I would seek to get to her by the end of question time. I advise the member that my recollection was correct in relation to not wanting to see a mixing of students from many schools. The official advice that I can give the member is that the Department of Education has been, and continues to be, in regular contact with NSW Health to seek advice about the ongoing support for schools to ensure that they remain safe for students and staff. The department updates its advice to schools regularly with regard to any restrictions that need to be placed on the day-to-day activities in schools based on information provided by NSW Health. In response to the latest advice from NSW Health, the Community Languages Schools Program will need to implement new measures to minimise the risk of COVID-19 transmission for students and staff across all host sites.

Advice from NSW Health is that students are not to travel outside their local community area and that we are not to mix students from many schools and local areas onto public school sites. Those measures came into effect on Monday 31 August 2020 and will remain for term 3. All community language classes must be delivered online until the end of term 3. Community language classes are not to be run in host schools. Support will be provided by the Community Languages Schools Program and the program education officers. It is expected that the community use agreements held with public schools will be reactivated when the current restrictions are lifted. These safety measures are designed to keep everyone well and to minimise the spread of COVID-19 across communities. I thank our community language schools for the work they do for our students. We appreciate that this is a very difficult time for all of us, but particularly the language schools. As I said earlier, these matters will be reviewed based on advice from NSW Health.

COVID-19

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (13:28:10): I have additional information to the question that was directed to me in my capacity representing Minister Hazzard in the other place by Reverend the Hon. Fred Nile. As of 12.16 p.m. the total number of cases in the United States of America was 6,537,627. That is an increase of 34,597 cases since yesterday. The total number of deaths in the USA is 194,092. That is an increase of 387 deaths since yesterday. In the past seven days there have been 250,265 new cases of COVID-19 in the United States. In the past 24 hours in New South Wales there has been an increase in testing, with 19,566 tests carried out. Only 10 new cases were reported; six cases are linked to people in hotel quarantine and four are linked to known clusters.

Supplementary Questions for Written Answers

SCHOOL CURRICULUM

The Hon. JOHN GRAHAM (13:29:29): My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Regarding the question of writing, with which of these competing views does the Minister agree: Does the Minister agree with the view of Eva Gold of the English Teachers Association, who is reported as saying that each subject has its own way of thinking and therefore its own way of writing? Or does she agree with the former chair of the New South Wales Educational Standards Authority, Tom Alegounarias, who has called for writing to be returned to English teachers, saying that when it was made everybody's business, it became nobody's business?

STATE ECONOMY

The Hon. MARK LATHAM (13:30:13): My supplementary question for written answer is directed to the Minister for Finance and Small Business. Following the comments of the Treasurer on 2GB, has a directive been issued to all Treasury staff that they will be working exclusively now on job creation, economic growth and investment in New South Wales in recognition of the deep recession we are in?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. COURTNEY HOUSSOS: I move:

That the House take note of answers to questions.

SCHOOL CURRICULUM

The Hon. COURTNEY HOUSSOS (13:30:55): Today in question time the Labor Opposition asked a number of questions about a report that featured on the front page of *The Sydney Morning Herald* today and yesterday. The report, commissioned by the New South Wales Educational Standards Authority [NESA], showed that students are struggling with writing in New South Wales schools; that the teaching of writing is neglected in our schools, especially high schools; and that teachers do not feel equipped to teach it. This goes to the key issue of declining educational standards in New South Wales schools that we have been discussing in the House. This is not a new question. This is something we have been debating for years. Indeed, I have characterised this as a decade of decline under the Liberal-Nationals Government. We have been sliding down those standards for years. The nail in the coffin came in December last year, when for the very first time our students in New South Wales were shown to not meet the OECD average for reading, across a number of different standards.

The Minister may have been briefed this morning about this report because it appeared on the front page of *The Sydney Morning Herald*, but we learnt that it has been sitting on the shelves of NESA for two years. As students have struggled in schools, a report showing a way forward has been nestled in the back bookshelves, neglected until *The Sydney Morning Herald* decided to report on it. Today the Minister pointed to the curriculum review as though it is going to solve the problem. The curriculum review is only now coming underway. Why are

our students being neglected and forced to wait for two years when there is a list of recommendations sitting on a shelf waiting to be read? What is the Government doing?

The Minister also talked about the need to improve the quality of university candidates, which is great, but why has that not been happening for the past two years? Why are we waiting for a curriculum review that was still being commissioned two years ago? Why are students, parents and teachers being forced to wait for this Government as it keeps neglecting New South Wales schools? I also asked questions today about our community language schools that were abruptly forced to close a fortnight ago on the basis, as we have now found out, that students from different districts were coming together. A range of extracurricular activities are occurring across Sydney right now and the Great Public Schools of NSW were given an exemption for sports. This is a clear benefit to students. These are small, community-based language schools that are suffering from the disruption that has occurred this year. They must be given a guarantee to return in term four and given more resources to provide remote learning for the students. [*Time expired.*]

MANUFACTURING INDUSTRY

The Hon. MARK LATHAM (13:34:05): I take note of several answers given today, most notably the paltry response to the question asked by my colleague the Hon. Rod Roberts as to why are we not good at making trains and manufacturing in New South Wales, and if it is the job of the Premier to improve our capacity in that regard. The obvious thing of course is to lower our electricity prices. New South Wales used to have some of the lowest electricity prices in the world, now they are among the highest. To have sustainable, improved and growing manufacturing, we need improved energy supply. In this regard, for the Leader of the Government not to have an answer about train manufacturing and to then further on answer about renewable energy highlights the incapacity of this Government to bring down electricity prices and improve energy security.

The Leader of the Government said that the CSIRO maintains that renewables are the cheapest form of power generation available, that is plain wrong. If the Minister and his colleague in the other place go to the CSIRO's *GenCost* report from December last year, they will see that once the cost of storage is added to renewables they are no more cost-effective than fossil fuels. When the cost of transmission is added, which is enormous in having to build these new lines out to western New South Wales, indeed the renewables become even more expensive than fossil fuels. We know the failing of this Government's energy policy because it basically admitted the problem itself. A couple of months ago the Premier announced a COVID economic recovery plan that made no mention of energy policy. It had a reference to fast tracking development, which was welcome; it had a reference to capital works, which was welcome; it mentioned the curriculum review, which is not going to produce any jobs in the short term, but there was not a single word in the economic plan about energy.

If renewables are so good and they are going to kickstart the economy, why would the Government not mention that in its own report? The answer came yesterday when the Prime Minister had to go to Newcastle and say that the real way of improving power generation, bringing down prices, and having energy security in New South Wales is to build a gas-powered plant. Renewables are not the answer when you have the Prime Minister coming in and saying there is a problem in New South Wales where it does not have the dispatchable power or an adequate plan post the closure of Liddell in 2023. The Prime Minister is telling AGL that if it will not do the gas plant then the Snowy Hydro will.

The views of the Leader of the Government are dammed on two fronts: There is no mention of anything to do with energy in the economic plan, and the Prime Minister has to come in to make up for the shortfall in energy supply in New South Wales. It is just not good enough. If it were true that renewables are the answer, they would be in the economic plan. The truth is that when the electricity strategy was released in March it said that there would be just 240 new jobs a year under the renewables plan at an extraordinary cost of \$830,000 per job. It is a failed strategy; failed by admission by the Government itself as well as the Prime Minister. [*Time expired.*]

HIGHER SCHOOL CERTIFICATE

The Hon. WES FANG (13:37:16): I take note of the answer given by my good friend and colleague the Minister for Education and Early Childhood Learning about HSC enrolment data. It provides a great opportunity to reflect on what a fantastic job she and the department are doing in this time of the COVID-19 pandemic. Members heard the timetable for how the HSC will be conducted and we wish all students well. It will be kicking off on Thursday 20 October with the HSC written examinations commencing and conclude on 11 November. HSC results will be released on Tuesday 18 December. It is certainly a much speedier process these days. It allows students more time to prepare themselves for their careers ahead compared to when I was doing the HSC. We heard about the number of students that are going to be looking to achieve their HSC this year. We have over 68,000 students on track to receive their HSC.

The PRESIDENT: Members will reduce the level of conversation in the Chamber.

The Hon. WES FANG: We need to acknowledge that the 68,000-plus students preparing themselves for the HSC this year have experienced difficult circumstances. Our thoughts are with them as they approach those exams. We know that the department has put a lot of work into study resources and assistance and has had a focus on making sure that any disruption to those students is minimised. There will be 118 HSC courses examined in 2020 and the Minister has, again, outlined the work that has been done by the department to assist all those courses during this time.

I reiterate my acknowledgement that the department and the Minister have worked tirelessly and diligently to prepare those students, who are going to be sitting HSC examinations at a time of great disruption, for the exams and for their careers ahead. I say well done to both the Minister and the department and I wish those students who will be sitting their HSC examinations in the future all the very best.

JOHN HUNTER HOSPITAL CLEANERS

The Hon. PETER PRIMROSE (13:40:34): I would like the House to take note of the answer to my question on notice No.1775 to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Health and Medical Research, concerning the numbers of cleaners by specific categories at John Hunter Hospital. I think we would all agree that, particularly at this time, cleaners are frontline workers. In all, I asked seven sub-categories of questions, all of which began with the words "How many". The cursory answer that I received from the Minister for Mental Health, Regional Youth and Women was, "(1) – (7) I refer the member to the response to LA 3515".

The response to LA 3515 is the classic puff piece containing so many answers like, "Recruitment is undertaken regularly to ensure any vacancies are filled in a timely manner." No information is provided as to how many cleaners are in each of the seven sub-categories of cleaners requested in my question. Indeed, the whole so-called answer provides not one single number. I refer the House to its own practice and to the stated practice in the Australian Senate relating to direct relevance. The practice in the Australian Senate states:

When a question is very specific, requiring facts or seeking information, direct relevance is strictly applied.

The President in this place has ruled that a specific question requires a specific answer. The Leader of the Opposition has sought to address this matter in a notice of motion that was given yesterday, and the House will be considering that next week. I suggest that the answer provided to me by the Minister for Mental Health, Regional Youth and Women is clearly contrary to the requirements of this House of direct relevance and I will resubmit the same question to the Minister today.

SCHOOL CURRICULUM

The Hon. MARK BANASIAK (13:42:48): I briefly touch on some of the answers given by the Hon. Sarah Mitchell in regard to what this Government is doing to improve teacher quality or the candidature that is coming out of university. She mentioned four key things that the Government is apparently doing, but it concerns me when two of them are well-established practices that have been happening for over 15 years; that is, when you complete your course you have an interview and that interview decides whether you are suitable to be employed, and that you have to pass all your practicums to then obtain your degree and then get to the interview. It concerns me when the Government tries to pass off old practices as something new and innovative. I advise the Government to exercise caution in potentially misleading this House in relation to what the Government is doing. Given my notice of motion yesterday I would hate to have to draft another one of a similar nature.

THE HON. JOHN BARILARO

GOVERNMENT PROCUREMENT POLICY

The Hon. MARK BUTTIGIEG (13:44:15): I briefly take note of two answers. I have seen some obfuscation in the short time I have been in this place but these two answers would have to take the cake. The first was an answer to a question directed to the Minister for Mental Health, Regional Youth and Women by the Hon. Penny Sharpe concerning bullying within the ministry and specifically whether or not the Minister had raised concerns expressed by the Parliamentary Secretary the Hon. Catherine Cusack. I will quote what *The Sydney Morning Herald* reported Ms Cusack said:

Ms Cusack said Mr Barilaro should resign as leader of the junior Coalition partner if he refuses to follow cabinet processes and "continues to embolden government MPs to move to the crossbench".

She is standing up to bullying. She continued:

If he finds his position untenable then the proper approach is to resign—not to remain in office using and abusing his position to split a properly elected government.

That is perfectly reasonable from Ms Cusack. Then she said:

Writing a letter to the Premier and forcing his colleagues to sign it for the purposes of embarrassing his own government is bullying, reprehensible behaviour.

The Hon. Catherine Cusack has called out bullying. A direct question was put to the Minister responsible for mental health and that sort of behaviour. The question simply asked did she raise it with her colleague? All the Minister said was, "I support Mr Barilaro 100 per cent." That was it. That was all we got: complete obfuscation, avoiding the question and a disgraceful avoidance of ministerial responsibility.

The second answer I take note of is an answer to a question from my colleague the Hon. Walt Secord directed to Minister Tudehope concerning Virgin Australia remaining in Queensland and not coming to New South Wales. There was no allegation. The question went to whether or not the Minister was confident that the procurement and probity rules were being followed. Then my colleague the Hon. Daniel Mookhey pointed out specifically that if a contract for over \$500,000 was awarded, a senior official had to sign off on it. The Minister simply said, "You cannot use this as a forum for raising allegations." If he did not know that the proper process had not been gone through, if he did not know whether a senior official had signed off on it, all he had to do was say, "I am not sure. I do not know. You have made an allegation; I will come back to it." Instead, the Minister said, "You cannot raise allegations here. The substance of the question is inaccurate"—again avoiding the question and avoiding ministerial responsibility. It is not good enough for us to come to this place, put the Government under scrutiny and not get adequate answers. He is a Minister of the Crown, he should know about this issue and he should take responsibility.

THE HON. JOHN BARILARO

Mr DAVID SHOEBRIDGE (13:47:16): I take note of the answer by the Minister for Education and Early Childhood Learning to a question I put to her concerning the Deputy Premier meeting today with Mr Harry Triguboff. I find a number of things remarkable about the answer given by the Minister. The first is that the Deputy Premier is not even telling his senior ministerial colleagues that he is having a meeting with "High Rise Harry" today, notwithstanding the fact that on the front page of *The Sydney Morning Herald* there is the damning disclosure that the only person who gave written representations to the Deputy Premier about the koala State environmental planning policy [SEPP] was another major property developer, Jeff McCloy. Jeff McCloy is famous for saying that coalition MPs treat him like a walking ATM.

It is on the front page of *The Sydney Morning Herald*: Barilaro meeting with Jeff McCloy—the walking ATM for coalition MPs—about the koala SEPP—not a farmer, not someone trying to get their chickpea crop in, but Jeff McCloy. And who do we find him meeting with on the same day that that is on the front page of *The Sydney Morning Herald*? We find Barilaro meeting with High Rise Harry Triguboff—a billionaire property developer. When we ask if the koala SEPP was discussed we do not get an answer. Maybe it is because the Deputy Premier is not telling his team who is really pulling his chain on the koala SEPP. Maybe he has not been honest with his own leadership team like he has not been honest with members of the public. For him, this is not about farmers. For the Deputy Premier his opposition to the koala SEPP is all about developers, it is all about the power of big business in regional New South Wales, and the National Party has not seen a coalminer—

The Hon. Sam Farraway: Point of order—

Mr DAVID SHOEBRIDGE: —or a fracker or a property developer.

The PRESIDENT: Mr David Shoebridge will resume his seat.

The Hon. Sam Farraway: The member is making a reflection on the Deputy Premier, John Barilaro, who sits in the other place. It is unparliamentary. I ask that he be called to order.

The PRESIDENT: I uphold the point of order. I will give my ruling when the member has concluded. I do not want to take up the member's last 35 seconds. The member needs to stop reflecting.

Mr DAVID SHOEBRIDGE: How is it that the education Minister has not even been told by the Deputy Premier that he is meeting with a billionaire property developer today? How is it that communication has so broken down in the National Party? How is it that John Barilaro has not told the public that he is meeting with Harry Triguboff, AO, inside Parliament House at this critical time. It is disgraceful. [*Time expired.*]

The PRESIDENT (13:50:29): Sessional Order 28 (3) clearly states that a member is in order as long as the contribution is relevant to the subject matter of the question asked and the answer given. Sessional Order 28 relates to take note of answers to questions. Standing Order 91 (3) clearly states:

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

Any imputations or reflections as indicated in Standing Order 91 (3) on a member of either House must be made by way of substantive motion or during the debate of such substantive motion. A take note debate on answers to

questions under Sessional Order 28 is not the time or the opportunity to make imputations or reflections on a member from either House. In today's business item, which has been dealt with, that was a substantive motion. That was the time to deal with any imputations or reflections and that did occur. However, members cannot keep using the take note debate as an opportunity to make reflections. I do not want to take members' time but I will do so in future if necessary. I will not allow a member to make imputations or reflections on other members during a take note debate on answers. That was never the intention of this House when the sessional order was passed.

COVID-19 AND ARTS AND CULTURE

INFRASTRUCTURE AND JOB ACCELERATION FUND

The Hon. SCOTT FARLOW (13:52:51): I take note of answers given by the Leader of the Government and the Minister for Finance and Small Business. The Leader of the Government outlined the Government's priorities in responding to COVID-19, particularly the arts sector, which is struggling after being hit hard by COVID-19. The arts Minister has been helping and assisting those organisations. He outlined the rescue and recovery components of that financial assistance. Half of that \$50 million rescue package has already been distributed and allocated to arts organisations. The Minister told the House that \$1.5 million has already been allocated for small and micro organisations, which shows we have a Minister who is acutely aware of the importance of recovery and making sure these organisations get through to the other side.

The Minister has been working with organisations to ensure vital funding to keep those groups alive while also looking ahead to how these organisations can bounce back. He is ensuring that the show goes on in a COVIDSafe model. The Minister for Finance and Small Business outlined the Government's \$3 billion acceleration program, which will see projects such as hospital rebuilds being brought forward. We heard the announcement about St George Hospital being brought forward. The member for Oatley will be very excited about that. The Shellharbour Hospital redevelopment will be brought forward. All members in the Illawarra will be excited about that, including Labor members and the member for Kiama. It does not just end with hospitals. The Minister outlined school projects that are being brought forward, including some that may have been of particular interest to him in his former electorate. Carlingford West Public School was one of those projects, I believe.

We heard that road projects are being brought forward across the State because it is vitally important that we create jobs, jobs, jobs and even more jobs across New South Wales. Some 20,000 jobs will be created under this \$3 billion acceleration program. The acceleration program is in addition to the \$100 billion of infrastructure across the forward estimates that the New South Wales Government is ploughing ahead with. In question time today we saw a government that is focused with laser-like precision on what it is going to do to help New South Wales rebound from COVID-19. The Government is making sure that we keep our State open and COVID safe. The Government is making sure that New South Wales not only returns to number one but also restates what it means to be number one in a COVIDSafe manner in our economy. That is what the Leader of the Government and the—[*Time expired.*]

COVID-19 AND ARTS AND CULTURE

KOALA POPULATIONS AND HABITAT

SCHOOL CURRICULUM

STATE ECONOMY

The Hon. WALT SECORD (13:55:53): As shadow Treasurer and shadow Minister for the Arts, I take note of answers on the koala State environmental planning policy [SEPP], the Deputy Premier, the so-called COVID-19 arts support package, political correctness and the Treasury, the economy and falling education standards. During question time the arts Minister detailed what he claimed to be a \$50 million package. He rebadged it on the spot as a two-phase program—\$25 million and \$25 million—which I labelled this morning a cruel hoax. I stand by that because in his own answer the Minister detailed 90 applications, 27 of which were successful. That is less than one-third. It is disappointing that this Minister continues to pour funding into large organisations while neglecting small, fledgling ones that are going to the wall. I wish the arts Minister would recognise that the arts was the first sector to be hit and it was hit hardest. It will also be the last sector to return. That is why I labelled the funding program a cruel hoax.

Regarding the finance Minister and political correctness, it is extraordinary and an example of this Government's wrong priorities that the Government emphasises getting the third most senior Treasury official to worry about whether partners are called husband, wife, guys or partners. The Minister claimed in the Chamber that we had a gold standard economy where in fact we are eighth of eight jurisdictions in Australia and we are the worst on final demand. On falling education standards, two-thirds of teachers believe they need support in

grammar, punctuation, spelling and sentence structure. So it is no surprise that our education standards are slipping. I will end on the SEPP because it is crystal clear why the Deputy Premier was so belligerent, so tough and so against the koala SEPP. It is not because he is anti-koala and it is not because he is meeting with farmers. It is not because he has gone through the SEPP in detail—

The PRESIDENT: Order! Pursuant to standing orders, debate is interrupted to allow the Minister to respond.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:58:04): The Hon. Walt Secord continues to perpetuate the misrepresentation of the Rescue and Restart package, which has always been intended to be two-phase and was not, as he said, rebadged today during questions without notice. That is utter rubbish. He also continues to perpetuate the nonsense that it is large companies that are being benefitted. Again, that is utter nonsense. Only two of the 27 companies that have been assisted out of the Rescue and Restart package are what I call NPAP companies—that is the majors. The rest are small- and medium-sized companies.

However, I remind the Hon. Walt Secord that there is a perversity in COVID, in which the companies that are the most successful and have the highest amount of revenue and philanthropy are the ones that are being hit the most in the COVID crisis. The ones that tend to be smaller and are heavily subsidised by government are in the best shape right now—although, frankly, no-one is in great shape. He made the accusation that I have never said that the arts was deeply affected by the COVID crisis early and will come out late, just as he said. I have frequently said that in this House and certainly elsewhere. With respect, that is rubbish.

In terms of the Hon. Mark Latham, who made some comments supporting fossil fuel generation of power, I briefly say that the Government makes absolutely no apologies for having an aspiration to have net zero emissions by 2050. That will mean we will need a cleaner energy future. There is a role for gas-fired peaking plants. In my view, if we had a National Energy Guarantee several would have already been announced, but that is not the case. I applaud what Minister Taylor and the Federal Government are now doing to ensure that we have gas-fired peaking capacity in New South Wales.

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

Motion agreed to.

Deferred Answers

SPECIAL RELIGIOUS EDUCATION

In reply to **Mr DAVID SHOEBRIDGE** (26 August 2020).

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

Schools collect information on parent choice regarding Special Religious Education and Special Education in Ethics at the point of enrolment.

The information is collected for the purposes of planning at individual schools.

Actual participation and attendance in Special Religious Education and Special Education in Ethics at the school level changes frequently and does not reflect the data collected at enrolment.

WATER MANAGEMENT

In reply to **the Hon. MARK BANASIAK** (26 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 that:

Commercial trades undertaken by the department balance water availability and demand across seasons and water sources, and contribute to the cost of water charges associated with the holding and use of water licences. Water traded to Websters Ltd in 2019-20 was non-commercial and for delivering environmental water into two high value wetlands.

All licence holders within the relevant water source can access this option through normal market processes.

The department trades in the same way as other water users through broker networks and online platforms, ensuring broad and open access for buyers and sellers, without identification.

NSW BUSHFIRE INQUIRY

In reply to **the Hon. MICK VEITCH** (26 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:

The Minister for Police and Emergency Services has advised me that the honourable member should refer to the media release outlining the Government's response to the inquiry dated 25 August available at <https://www.nsw.gov.au/media-releases/nsw-government-releases-bushfire-inquiry-report>.

RIVER CLASS FERRIES

In reply to **Ms ABIGAIL BOYD** (26 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:

Enhancing the customer experience has been a priority in the design of the 10 new River Class vessels. We have maximised internal space for seated and standing customers, as well as the natural light through floor to ceiling windows. Customers will also have access to the upper deck.

The decision was made to include a viewing deck on the new River Class ferries so customers can enjoy the sights for the majority of their journey.

The clearance requirements of the Camellia Railway Bridge and Gasworks Bridge has always been known and considered as part of the ferry design.

The process of customers moving to the lower deck between Rydalmere and Parramatta (one stop) is already in place for the existing fleet of charter vessels currently used by Transdev Sydney Ferries.

These charter vessels have a viewing deck, while other vessels used by Transdev Sydney Ferries on the Parramatta River do not.

The new River Class ferries are expected to enter service later in the year, and will operate as part of the Sydney Ferries network along the Parramatta River and on Inner Harbour routes.

Four of the new River Class ferries were sent to Newcastle for a final fit out ahead of acceptance trials.

As part of their acceptance and assurance process, Transdev Sydney Ferries organised for a specialist consultant to test the vessels for asbestos. Traces of the material on one small component (a gasket) was found on three of the four vessels.

Subsequent testing has been completed and a licensed independent asbestos removal contractor, under the supervision of an occupational hygienist, removed the contaminated material and confirmed the area to be fully remediated.

All vessels must comply with the relevant Australian standards for design and safety and no vessels will be accepted by Transdev Sydney Ferries or Transport for NSW unless all standards have been met.

COVID-19 AND SCHOOLS

In reply to **Mr DAVID SHOEBRIDGE** (26 August 2020).

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

In the case of Sydney Girls High School, the school was notified on Friday 14 August 2020 that a parent of two students attending the school had tested positive. The school was advised that the parent had not been on school grounds and the two students were kept at home and were tested.

NSW Health commenced working with the family as appropriate. The children were tested on the weekend and the Department was advised on Sunday 16 August 2020 at approximately 10.00 a.m. that one student had tested positive.

The department met with NSW Health and the school leadership team at 11.00 a.m. to identify if the student had been infectious on school grounds in line with the established protocols.

The department published advice to the school community at 2.00 p.m. on Sunday 16 August 2020 that the school would be non-operational on Monday 17 August 2020 to allow time for the contact tracing process to be completed and for the school to be cleaned.

The school was cleaned on Monday 17 August 2020. The department published advice to the school community on Monday afternoon once this had been completed and recommenced on-site learning on Tuesday 18 August 2020.

The department continues to work closely with NSW Health on all suspected and confirmed cases of COVID-19 impacting schools.

COVID-19 AND STUDENT COUNSELLING

In reply to **the Hon. GREG DONNELLY** (26 August 2020).

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

The Department of Education does not collect data on the number of times telephone counselling for students is used. Young people who access the counselling service access it knowing it is a confidential service and we want to continue to encourage young people to seek support using this service.

A secure telehealth platform, CoviU, was available throughout New South Wales for the use of every member of the school counselling service while working and learning from home was required.

School counselling staff and students were able to meet for their counselling session through a URL link sent to the student by the individual counselling staff member. No software was needed to be installed by the student or school counselling staff member to use this platform.

MANNING BASE HOSPITAL

In reply to **Reverend the Hon. FRED NILE** (27 August 2020).

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

Patients in emergency departments are seen according to clinical priority. Without commenting on the circumstances of individual patients, it can be stated that when patients present with respiratory symptoms, COVID-19 is considered a possibility until tests confirm otherwise.

Patients with respiratory symptoms may be moved from the emergency department waiting area for the protection of others.

The PRESIDENT: I shall now leave the chair. The House will resume at 3.30 p.m.

Private Members' Statements

COMMERCIAL FISHING INDUSTRY

The Hon. MARK BANASIAK (15:31:46): The long-awaited socio-economic analysis of the Commercial Fisheries Business Adjustment Program, otherwise known as the Barclay report, has finally been pulled out of the Minister's drawer and made available to members. I say "long-awaited" because since 2017 stakeholders and commercial fishers have been promised that the socio-economic study would be conducted. When the Schirmer framework for the conduct of a socio-economic analysis was released, we got a framework that was supposed to be a socio-economic analysis but was not. The Barclay report was supposed to be a socio-economic analysis but it is not. The report states that:

... existing DPI data and the stakeholder survey—had deficiencies for the purpose of a robust evaluation.

It is of great concern that the Government cannot do something that should be straightforward. The report states:

The most important data gaps for the economic analysis were: 1) very little data on the value of fishery shares introduced in the BAP; 2) no time series data on costs and revenue for the commercial fishing Industry to enable an evaluation of profitability and incomplete data on share transfer prices.

How on earth a business adjustment program could have gone ahead with such massive gaps in crucial data should be investigated. Since entering this House in 2019 I have been attempting to make sense of what has occurred with commercial fishery reform. Matters that should be straightforward make no sense: How many shares went up for trading, at what cost, to whom were they sold and why did so many fishers have to remortgage their homes to buy back their own businesses or otherwise drop out of the industry?

Either the current Minister with responsibility for the Department of Primary Industries [DPI] has as little grasp of his portfolio as did the previous Minister or he is being walked up the garden path by his department. Frankly, it is not good enough. No Minister or DPI bureaucrat can provide a consistent answer on any aspect of the reform, including important questions like how many taxpayer dollars subsidised the reform. In fact, they cannot give a consistent answer on how many fishing businesses existed. Yet, a major justification for the fishery reform was an abundance of latent fishing businesses and not enough of the resource. The report states:

A major policy program such as the BAP should have had economic and social impact assessments done before finalising the design and implementation of the policy.

That should have occurred before implementation. Why are we still waiting?

CYBERSECURITY

The Hon. LOU AMATO (15:34:26): Australia's national security is paramount. The sovereignty of our nation and the democratic principles we take for granted rely on maintaining our national security. We have been reserved in calling out the obvious infiltration of our nation by the Chinese Communist Party. An article published by the ABC on 14 September 2020 entitled "China's 'hybrid war': Beijing's mass surveillance of Australia and the world for secrets and scandal," claims the Chinese Communist Party has at least 35,000 Australians under surveillance, including prominent politicians and officials. According to the article, the Shenzhen company Zhenhua Data has been collecting data via applications such as Twitter, Facebook, LinkedIn, Instagram and TikTok. Zhenhua Data is used by China's intelligence service, the Ministry of State Security.

Most members have a Facebook account, at least, so it is more than likely that many members are recorded on China's Ministry of State Security database. It is unacceptable that an elected member of an Australian

parliament or, indeed, any non-elected Australian, should have their private life under surveillance by the Chinese Communist Party. I have witnessed an IT professional collate a surprising amount of information on a person just by investigating the person's Facebook page. That person gave full permission for the experiment to take place. If anyone has ever wondered why I do not have a Facebook page, the answer should be obvious. Just how dangerous is Facebook to Australia's national security? To answer that question, first we must understand that the IT infrastructure that facilitates the data transfers required for the world's estimated 1.79 billion Facebook users' posts, photo and video uploads costs billions, if not trillions, of dollars.

Yet, no Facebook user has ever received a credit card charge for Facebook's services. However, it is not free: Users pay for it, because they agreed to Facebook's terms and conditions which, of course, nobody reads when they hit the "accept" button. If everyone is on Facebook, what harm can come of it? Anyone with a Facebook page basically agrees to allow all their personal information to be sold by Facebook to third parties such as Zhenhua Data. If a person logs into Facebook from their smartphone, Facebook will have all of that person's phone contacts, private texts and even information about their photos, including GPS location, date and time, upload location, camera focal length and shutter speed and the smartphone's unique central processing unit identification number. The time has come for an inquiry into how dangerous applications such as Facebook are to Australia's national security.

FOOD SECURITY

The Hon. MICK VEITCH (15:37:05): Recently there was much to-do about the need for our agricultural workforce to be able to move across borders. It made me reflect upon the fact that for some time we have known that we have to shear our sheep, harvest our grain and pick our fruit—that knowledge has not just crept up on us. Yes, it was a border issue but it was not a border issue across States. It was a border issue when we closed our international border because the Canadians could not come to operate our grain harvesters, the Kiwis could not come to shear our sheep and the backpackers could not come to pick our fruit. It caused me to reflect on a conversation I had some years ago with the then Minister for Primary Industries, the Hon. Niall Blair, about the need for a national food and fibre security plan in Australia and what that would entail.

It would entail workforce planning to ensure that we have the capacity in the Australian workforce to undertake those tasks. It would also address biosecurity risks, the security of our logistics, seed stock and gene pool security, drought or disaster implications of our national food and fibre reserves and the production of those and possible disruptions that may eventuate from time to time. It is a shame that we do not have a national food and fibre security plan. Over the weekend I read with interest that our rice growers are saying there is a real risk that we will not produce enough rice to meet domestic consumption needs. A national food and fibre security plan would look at and address such issues. It would mean that the States and Territories of this country would work together to plan for the security of our food and fibre production and ensure that it is sufficient to meet our domestic needs before exporting those resources. I am not the only one talking about this issue.

Recently the NSW Farmers Association published a document called *Growing our food and fibre future* that looked at a very similar thing. In April 2019 Foodbank put out a document called *The Case for a National Food Security Strategy*. I know members will laugh about this but I will give a plug to the *Farm Policy Journal*, which has an article in the winter quarter 2020 that was crafted by the Professor of Food Sustainability at Charles Sturt University, the Hon. Niall Blair, who has also clearly been taking up the issue around a national food and fibre security plan in this country. All jokes aside, all sides of politics must work on this. If we could all work on this it would be good for politics in Australia and in New South Wales because the AgForce issues that were discussed recently at the national Cabinet should have been addressed by a document just like that.

TRAVELLING STOCK ROUTES

The Hon. ROBERT BORSACK (15:40:10): We have a very big issue in this State with the management of travelling stock routes [TSRs], the bigger issue being the entire operation of the Local Land Services [LLS]. It does not matter where I go in the bush, the issue always arises. The Local Land Services board lacks any local input, unlike the old structures of Rural Lands Protection Boards or the Pastures Protection Boards. The LLS has no vested interest in the local areas it manages—in particular, the TSRs—other than the fees it generates from leasing them out, the funds of which do not go back into the maintenance of the routes. There should be local input as to how they are managed and, indeed, on the LLS boards in general. They should consist of landowners, vets and from a pool of people who represent the local area, instead of fly-ins that spout the Government agenda.

This State has been in a protracted drought for over three years. Many farmers have had to put stock down because they cannot feed them, yet TSRs have not been included in drought strategy planning. During the 2019 State election I was in Dubbo. A family of farmers told me their harrowing story of being forced by LLS to remove their cattle from a TSR. Some animals were days away from giving birth. Anyone who knows cattle will know that they should not be moved in such a fragile state. The woman told me this with tears in her eyes. As they drove

their truck loaded with cattle past the TSR, a council worker was slashing the grass along it, which was some of the only remaining feed in the Dubbo area. Why was it being wasted? It is appalling. TSRs must be made available during natural disasters. They are the lifeblood of farmers and should be managed as such. TSRs can have multiple uses that generate tourism opportunities.

For example, in the Moree area some beautiful fishing and camping spots along the Mehi River are TSRs, which cannot be used because of the noxious weeds and basic lack of care from the LLS. Something has to give. Today my colleague gave notice of a bill that will require Crown lands, which include TSRs, to come to the table in negotiations when a dividing fence has been damaged or destroyed. We hear it all the time: Stock on TSRs damage private property owners' boundary fences. Yet there is no obligation from the Crown to assist or even enter into negotiations on repair costs, despite receiving fees for leasing them out. It is time we made a change and that is exactly what the Shooters, Fishers and Farmers Party plans to do. Watch this space. We look forward to The Nationals' support on this issue when they wake up to it.

ALCOHOL ABUSE

The Hon. WES FANG (15:42:52): A 2018 New South Wales Government review of reducing alcohol-related harm in New South Wales found some alarming trends: young people are drinking alcohol more frequently; long-term harmful alcohol drinking had been declining but has recently started increasing; and women aged 45 to 54 drinking at long-term harmful levels has increased by 35 per cent since 2012—from one in six to one in four. We all know the effects that alcohol can have on a person. Besides long-term health impacts, it can adversely affect personal relationships; create work problems, such as missing or being late to meetings, commitments or being constantly distracted; and cause problems to a person's wellbeing. In line with the Government's priorities to combat alcohol abuse, I take this opportunity today to raise awareness of some of the incredibly useful and important initiatives designed to help those battling alcohol problems.

The Daybreak app, funded by the Australian Government Department of Health, aims to help users control their drinking habits in order to cut back or quit completely. The app asks users to set goals and allows them to track progress with weekly check-ins. The app also recommends activities, provides custom notifications and offers one-on-one chats with health coaches through the app. It provides a supportive and non-judgemental space where people can access the information and support they need to help achieve their goal. NSW Health has also launched a free smartphone app called Drinks Meter, which is especially useful during a time of social distancing and isolation. It provides an opportunity to manage alcohol consumption in times of stress and anxiety.

During COVID-19, when digital inclusiveness is more important than ever, these innovations deliver prevention, early intervention and pathways to care to minimise the impact of alcohol and other drugs on the community. What the services have in common is that they are designed to help those who may have an alcohol problem make lifestyle changes. The initiatives provide education to improve knowledge about alcohol and other drugs, reduce stigma and help people make healthy choices. It is up to all of us to look after those who may be battling alcoholism, and those tools have successfully helped people change their habits before they let alcohol win the battle.

HEATHCOTE ROAD, ENGADINE

The Hon. MARK BUTTIGIEG (15:45:08): I draw to the attention of the House a significant safety issue in the Heathcote electorate. Heathcote Road and the bridge over the Woronora River at Engadine have been placing residents in danger for too many years. Mr Lee Evans has failed the community on this issue with empty promises year after year, and he has failed to convince his own colleagues to take meaningful action. Heathcote Road is the most dangerous road within the Sutherland Shire Council, with a number of tragic deaths and serious accidents. Despite this, the Government has rejected calls to duplicate the road's narrow and dangerous bridge.

Prior to the last election, NSW Labor and former candidate Maryanne Stuart made a commitment to upgrade Heathcote Road to two lanes in each direction and called for a duplication of the bridge over the Woronora River, pledging funds for the planning and scoping of the duplication. Despite pleas from concerned residents, the Government has determined that the bridge will remain one lane in each direction, with no barriers and only minimal widening of the single lanes, which will close the bridge for over six months. This is woefully inadequate as the road will only get busier. It has been estimated that over 36,000 people travel on the road each day. Leaving it as single lanes is highly dangerous.

Although Mr Evans agrees with Labor, declaring that the bridge needs four lanes and must be duplicated, he has failed to convince his own Government. Time and time again he has misled the community about the bridge. For example, in 2015 Mr Evans stated, "I am proud that during the next couple of years work will be commenced on duplication of the bridge." I ask Mr Evans: Where is this work? Now that he has failed to fulfil

his commitment to his constituents, he has created a community petition against his own Liberal-Nationals Government.

It is the member for Heathcote's job to seek the support of his own Government for the empty promises he made to the community; it is not the job of his constituents. The Government has not only disregarded its own commitments made through its member but also ignored its Liberal councillors' safety warnings, who joined a bipartisan motion from all Sutherland Shire councillors. The motion opposed the Government's position, calling for the duplication of the bridge and demanding that the safety of road users be paramount. We must not see more fatal crashes on Heathcote Road. I will continue to call upon the Berejiklian Government to deliver its promises and prioritise the safety of our residents in the Heathcote electorate.

AGED-CARE SECTOR

Ms ABIGAIL BOYD (15:48:12): Everyone deserves access to compassionate and guaranteed universal health care but, currently, not everyone is getting it. Older people in Australia are falling through the cracks of an enormous systemic failure and are missing out on the safe, secure and compassionate care that we all deserve in our old age. We owe our elders so much better. The degradation of our aged-care system has been bubbling under the surface, unseen for most of the past two decades since John Howard's Aged Care Act 1997 turned aged care into an opportunity to make an easy dollar and allowed massive private investment while failing to enforce adequate minimum staffing standards. Many of us saw this coming in 1997 because at the core of the Aged Care Act was the same market obsession that has corrupted governments for the past four decades.

If you ask someone on the street what the most important goal of our aged care sector is they will say healthy and happy older people. If you ask the Liberals or aged care bosses, they will say bottom line efficiency, which is why a typical nursing home today receives half the government funding for registered nurses that it would have received in the mid-1990s and the most profitable aged care companies in Australia see almost four times the profits of overseas equivalents.

With three-quarters of COVID deaths across Australia being aged care residents, it is painfully clear that government savings and private profits do not fulfil the community's basic expectations of our aged care sector. That the majority of COVID deaths of older people in aged care have been in Victoria does not mean that this crisis is not playing out in New South Wales. Of the 52 people in New South Wales who have died of the virus, 28 were aged care residents. We are lucky that the scale of disaster in the sector has not reached us here, but neither our community nor the Government should relax. It is a national problem 23 years in the making and every Government in the country must act urgently to fix the fundamentally broken system.

The solution is straightforward: Take profit out of health care and bring aged care provision into public ownership and operation. There is no place for maximising profits when it comes to the health and wellbeing of older people. We must see individuals whose lives are shaped by our decisions as people, not as a dollar on a page. Older people, their loved ones and the workers who care for them, not executives and shareholders, must be front and centre in the reform and ongoing management of aged care. The crisis has demonstrated the devastating reality of putting profit before people and The Greens will continue to stand up for the health and wellbeing of older people until we have a system that puts their lives above the bottom line.

NRMA

The Hon. TAYLOR MARTIN (15:50:58): Today I pay tribute to the National Roads and Motorists' Association, the NRMA, which in 2020 will be celebrating its centenary as the peak motoring organisation in New South Wales. The NRMA is Australia's largest member organisation with 2.6 million members. Over the past year the NRMA has received more than 1.6 million calls for help, including rescuing 2,054 children and 1,535 pets from locked cars. In addition to providing roadside assistance, which is arguably for what it is most well known, the organisation also advocates for its members for improvement to roads and for road safety, and in recent years for improvements to public transport.

The NRMA was founded in 1920 when 50 people gathered with the goal of pressuring the Government to fix the roads in Sydney and New South Wales. One of those people was former Prime Minister Chris Watson, who became the first president of the NRMA and remained in that position for more than 20 years. The first patrolmen had a number of duties, including assisting members to park their cars or find hotel accommodation when required, rendering mechanical first aid when necessary, of course, and more generally being at the convenience of members. The NRMA patrolmen would keep an eye on members' cars that were parked in the city and if the allocated time had passed would hop in the car and take it for a short drive, ensuring that police would not fine the member. Roadside assistance for broken-down cars soon became the most popular service of the NRMA and today there are 318 patrol vans and utes across New South Wales and the Australian Capital Territory.

I believe most members will have a story about being rescued by the NRMA. I have had a few flat batteries in my time.

I also pay tribute to the NRMA for a number of stances that it has taken during its history regarding road safety. In particular, the NRMA was an early advocate for the mandatory installation of seatbelts in 1967, which became compulsory in 1971. In the 1980s it worked with the New South Wales Government to improve road safety by introducing random breath testing. More recently, it has campaigned successfully for driver licence discounts for safe drivers and flashing lights to be installed in all school zones. I congratulate the NRMA on its centenary. It is a remarkable achievement for a member-owned organisation. I have been a member for the entire time I have held a driver licence. I wish the NRMA every success as it embarks on its second century.

TRANSPORT INDUSTRY

The Hon. DANIEL MOOKHEY (15:53:47): Times are always tough in the transport industry: If you are not battling natural floods or droughts, if you are not dealing with fuel spikes or having to handle cutthroat competition, you are battling a global pandemic. It is no wonder that last week we learned that transport was the second hardest hit industry by the COVID pandemic. In the six months from March to June, three out of every four dollars spent in the transport industry evaporated. The disappearance of such demand has a real effect on people. Today there are thousands of people in New South Wales who once upon a time were very proud to be working for Virgin. There are thousands of people in New South Wales who were once very proud to be working at Qantas, and there still are 6,000 people working at Qantas who are being forced to justify to Qantas management why they should not be turned into labour hire.

Then, of course, there are the State's truck drivers. I had the opportunity to meet one of them on the weekend. His name was Peter and he has a fleet of 15 trucks. He excavates, so he carries spoil all around Sydney. We dig tunnels and he carries it to landfill. His investment is in 15 trucks. Peter said that one of the pressures that his business faces is an annual bill of \$60,000 for tolls. Each year he is forking out \$60,000 in tolls to the New South Wales Government. It is our obligation in times of global pandemic and massive recession to not make conditions any tougher for small businesses, be they in the transport industry or any other industry, and I am worried that we are about to make conditions much harsher for the thousands of small businesses working in the trucking industry, those hardworking owner-drivers who have mortgaged their own homes in order to buy a truck to perform transport services.

When NorthConnex opens soon, every truck will be told to use it, pay \$23 to the Berejiklian Government or face a \$171 fine. For many of those hardworking small businesses, if they use the NorthConnex, the M2 and the M5 they will pay close to \$70 for the cumulative journey. Make no mistake: They have no ability to recover that cost from their clients. On Saturday 150 of them convoyed. The Transport Workers' Union organised that convoy. In fidelity to them and their struggle, I say that the responsibility of the Berejiklian Government is to not make it worse. It should act now and save those small businesses from toll mania. It should give them a chance to survive the pandemic so that they can go back to creating jobs for people in New South Wales.

WILDLIFE CARERS

The Hon. SHAYNE MALLARD (15:56:53): I wish to talk about the topic du jour: koalas. Whilst I will be speaking on the issue when Portfolio Committee No. 7 eventually reports on koala populations, I would like to pay particular attention in my private member's statement today to the brilliant work of the wildlife carers whom we met during the koala inquiry site visits, in particular at the Port Macquarie Koala Hospital, following the devastating summer bushfires of 2019 and 2020. Along with our colleagues, I witnessed the work of the wildlife carers in the rescue and rehabilitation of koalas and other wildlife. Before the fires began, the strain on carers rescuing and caring for koalas and other wildlife was clear and evident, and the situation after the fires highlighted the challenges associated with an increasing number of animals coming into their care.

Unfortunately, through no fault of their own, wildlife carers in New South Wales entered the 2019-20 summer bushfire season overworked and under-supported and frankly quite fragmented. It is clear that those carers bore the burden of rescuing and rehabilitating animals, not just koalas, taken from fire grounds. Often, and usually, they did that at their own expense. It is without doubt that the work of wildlife carers was critical in saving many animals in the aftermath of the fire season. One moving visit was to the Port Macquarie Koala Hospital, where we met an incredible group of volunteers working tirelessly to save the lives of koalas who were severely injured and burnt in the fires. We witnessed an operation on a koala called Bernadette, who was from Bilpin, whose burns were treated and re-banded by veterinarians under general anaesthetic. It is a very dangerous operation for koalas. In fact, fires are devastating for koalas because essentially they cook inside their coats from the heat. We also saw other koalas who, because their injuries were so catastrophic, will stay permanently at the hospital under the care of dedicated volunteers.

I take this opportunity to thank those wildlife carers for the work they do across the State, particularly after the devastating bushfires, including the Port Macquarie Koala Hospital, the World Wildlife Fund, WIRES and all the other organisations and volunteers that are caring for our wildlife. While the fires may have passed, those volunteers and carers continue to care for the wildlife affected to this day and are preparing for the fire season to start again at any minute. The Government is committed to supporting wildlife volunteers. Environment Minister Matt Kean stated:

The State's volunteer wildlife rehabilitators are the unsung heroes of our native animal rescue operations, dedicating their own time and significantly, their own money to look after our animals when they need it most. On average, each volunteer contributes almost 900 hours a year while veterinarians and veterinary nurses also contribute more than \$1.8 million in free services and products a year.

This increasing burden has prompted a rethink of how we deal with that. I will conclude by urging the Government to continue its support and I thank the thousands of wildlife carers across the State.

Rulings

NOTICES OF MOTIONS

The PRESIDENT (16:00:37): Earlier today a point of order was taken by the Leader of the Government that a notice of motion being given by Mr David Shoebridge was out of order as it contained argument. However, there is no rule that motions must not contain argument. Indeed, many notices on the *Notice Paper* contain argument. As members know, the House has adopted few rules concerning the content of motions, despite various attempts to do so. As I noted in a ruling yesterday, the Procedure Committee considered this matter in 2012 and 2017, and in 2016 the then Leader of the Government gave a notice of motion on this, which was not moved.

Under the standing orders, the President has the authority to direct the Clerk to amend a notice before it is published on the *Notice Paper* if it is contrary to the standing orders; for example, if it contains offensive expressions. Aside from that, and as I said yesterday, it is for members to reflect on what is best parliamentary practice and to limit the detail in notices to the extent necessary to facilitate debate and elicit a decision of the House. Notices of motions are not an opportunity to put voluminous material on the *Notice Paper*. The motion given by Mr David Shoebridge is in order and will be published on the *Notice Paper* for tomorrow. It is then open to members and the House as a whole to decide whether or not it agrees with the propositions put forward in the motion.

SUPPLEMENTARY ANSWERS

The PRESIDENT (16:02:26): At the end of question time today a point of order was taken concerning additional information provided by the Leader of the Government to an answer he had given earlier in question time but had not completed. At the time the Minister sought leave to extend his answer for a further minute, but leave was not granted. I ruled on the matter before question time:

I indicate to members that I was in two minds on this excellent point of order ... but the Hon. Shayne Mallard has convinced me to uphold the point of order ... You have made it clear that the Hon. Don Harwin was in fact completing an answer to a question that you asked because he did not have time to answer the question because he was interrupted.

However, to complete the record I wish to refer members to two rulings of former President Harwin that are relevant to this matter. Firstly, in October 2012 President Harwin advised:

If a Minister subsequently receives information that is relevant to a previous question he should give a supplementary answer at the end of question time.

Secondly, in May 2015 former President Harwin ruled that the "general elucidation question", which had for some time been used by Government members to assist Ministers to complete answers, was not consistent with the purpose of supplementary questions and would be ruled out of order.

WRITTEN SPEECHES

The PRESIDENT (16:04:01): In question time today the Hon. Mark Latham took a point of order regarding the reading of a document by a Minister in answering a question. The member noted that Standing Order 91 (4) provides:

A member may read reasonable lengths of extracts from books, newspapers, publications or documents.

I ruled that there was no point of order as, in my view, the Minister was reading reasonable extracts. I wish to further advise the House as follows: Standing Order 91 (4) reflects the tradition in this House and in other parliamentary chambers that emphasises the "cut and thrust" of debate. Furthermore, then Deputy President Willis ruled in 1990 that the House is more interested in the arguments of members than those of other people. However, as noted at page 307 of the *Annotated Standing Orders of the New South Wales Legislative Council*, there are a number of generally accepted exceptions, including second reading speeches by Ministers and Parliamentary Secretaries and inaugural speeches.

Although not specifically referred to, it is expected that members will read from notices of motions and loqs, together with written adjournment speeches and members' statements speeches. It is not uncommon for Ministers to read some answers to questions. While, like then Deputy President Willis, I wish to encourage the "cut and thrust" of debate, I am not going to overturn the recent practice in this House that Ministers frequently read answers to questions. I note that sometimes it is the answers that are read which are the most informative. Further, whilst on the subject of reading speeches and other documents I note that, particularly in the context of COVID-19 and the move as far as possible to a paperless Chamber where it is in keeping with traditions and conventions of the House, contributions may be read from a mobile phone, iPad or other electronic device. I also remind members of the desirability of emailing speeches and notes to Hansard and emailing notices of motions to the Legislative Council Procedure Office.

The Hon. Mark Latham: Point of order: I will take a clarifying point of order. Is there scope to give the House an assurance that, as Ministers read out their answers at the dispatch box, those words are the words of the Ministers rather than those written for them by ministerial staff? It would be a terrible disgrace to our democracy if someone not even elected had their words spoken in this place.

The PRESIDENT: I have indicated this to the member before: That is not a point of order. That is clearly a debating point and, more than that, it is a point that in some way causes or creates an imputation or reflection on a Minister. I am asking the Hon. Mark Latham to cease these purported points of order.

Documents

STRONGER COMMUNITIES FUND

Production of Documents: Further Order

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 750 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (16:07:51): I move:

- (1) That this House notes that:
 - (a) on 3 June 2020, the House ordered the production of documents concerning the Stronger Communities Fund;
 - (b) on 17 June 2020, a return was received to this order which included one box of privileged documents and three boxes of non-privileged documents; and
 - (c) the return to the Stronger Communities Fund order did not include:
 - (i) the signed written approval briefs for the guidelines adopted for the Stronger Communities tied grants funding round; and
 - (ii) the signed, written approval briefs for the projects approved as a part of the Stronger Communities tied grants funding round.
- (2) That, under Standing Order 52, there be laid upon the table of the House within two days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, Deputy Premier and Minister for Regional New South Wales, Industry and Trade, Minister for Local Government, Department of Premier and Cabinet, or Department of Planning, Industry and Environment (Office of Local Government) relating to the Stronger Communities Fund:
 - (a) the signed written brief approving successful applications which received funding in the tied grant round of the Stronger Communities Fund;
 - (b) the signed written brief approving the guidelines for the tied grant round of the Stronger Communities Fund; and
 - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (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.

This is a new resolution. It is not a new matter. It is a specific call for papers but relates to a previous call for papers that the House agreed to. I want to make it clear to the House and apologise for the fact that it requests a very short time frame. There are two reasons. One is that we regard this as a non-production of papers which should be in front of the Chamber and I will be interested to hear exactly how the Government describes them. We believe they should have been produced. Secondly, there is a committee hearing that relates to this matter on Monday 21 September. That is one of the reasons for the very short time frame. It is a very small number of papers

that we regard should have been provided previously when the House called for them and they relate to a hearing on Monday.

These papers relate to the Stronger Communities Fund. The House has called for papers relating to a range of grant funds from this Government and those or similar documents have been provided in those returns. They are not present in this return and Labor does not understand why. That is why we are moving this motion. Labor is seeking a clear explanation from the Government about why the documents exist elsewhere but not here. I will be interested to hear why the Government believes that has been the case elsewhere but not with this order for papers.

Labor is also seeking the cooperation of the public service. The Opposition has concerns about grants funding being administered by this Government. The House has previously had concerns about how grants funding has been administered. I will not dwell on that in detail, but Labor has concerns about the sheer scale of funding in New South Wales that is now allocated under the grants framework, rather than through other mechanisms of government. We have concerns about the mechanisms and rules that are in place for specific grant funds, and that will become clear over time. Labor has concerns about whether those rules will be followed once they are put in place, how things should be administered and what is actually happening in practice. Labor also has concerns about what that means for good public servants who have the role of administering those funds and what position it puts them in.

Those are the broad concerns that will be the subject of an inquiry. It is the view of the House that it is appropriate that these matters should be inquired into and the Opposition is seeking those documents to do that. The documents should be made available. They are available elsewhere. We do not understand why they are not available in this call for papers. It is necessary that we have those documents as early as Monday so the House and the committee can do its job. I thank the House for its previous support on the motion. I look forward to the Government's response, specifically about why those documents have not been provided. The Opposition is seeking the support of the House to enforce the view that the House has taken previously.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:11:42): I say at the outset that the Government will not be providing the documents for part 2 (a) of the motion. All documents regarding the signed written brief approving successful applications which received funding in the tied grant round of the Stronger Communities Fund were provided to the House in June 2020 in response to an identical Standing Order 52 order for papers that was moved by Mr David Shoebridge. Those documents are already available to the Hon. John Graham. Part (2) (b) of the motion regarding the signed written brief approving the guidelines for the tied grant round of the Stronger Communities Fund are documents that are held under Cabinet-in-confidence and will not be provided to the House. That advice has already been provided to the member.

I will use this opportunity to talk about the Stronger Communities Fund. The Government does not resilie from what it has done in relation to the fund. Since 2011 the fund has provided nearly \$9.7 billion to the sector so that councils can deliver and improve local infrastructure, facilities and services to their communities—local communities, making local decisions. When communities have experienced bushfires, drought and COVID-19, do we really begrudge councils receiving funding to help them get through some of the toughest years in a century? Councils were always able to determine where the money was spent. Local and State governments are working together for the betterment of local communities. The Government will not apologise for supporting local governments and the communities they represent.

The Stronger Communities Fund provided \$468 million to local councils to kickstart the delivery of much-needed infrastructure for communities that were left in the dark. The funding has delivered projects to communities like Wellington, in the State's Central West, and the Wiradjuri Community Space, which has enhanced education in the region on Indigenous history and has also generated employment for local Indigenous communities. Gundagai Preschool received funding from this Government which helped to replace its ageing infrastructure. I could go on ad infinitum about how the grants have assisted local communities. The Opposition and The Greens are determined to rip these opportunities down and remove this funding from local governments. This Government will always support local governments by providing them with funding so that their local communities can benefit.

The Hon. JOHN GRAHAM (16:14:58): In reply: I thank the Leader of the House for his contribution. In part (2) (a) of the motion the Opposition is requesting the signed written briefs approving grants that would normally be given out under the signature of a Minister. During the course of this debate I received an assurance from the Government that an index of the documents and their location would be provided. I reiterate that the Opposition believes those signed written briefs are not present in the documents that were provided to date. I will take on good faith the information from the Government and proceed accordingly. The information that the Minister has provided is useful to members of the House. Part (2) (b) of the motion relates to the signed written brief that approved the change to the guidelines for this round of funding.

The Minister says that those documents are Cabinet-in-confidence. The Opposition says that it would be highly unusual for a change in the guidelines to be a Cabinet matter. Eligibility might be, but a change in the guidelines would be unusual. Further, on the basis of the material the Government has provided, the Opposition does not believe that is the case. I thank the Minister for providing an explanation on record. Given the Government's response, the Opposition insists that the order for papers is still required. The House has asked for the documents. Labor believes they should be provided by the Government and seeks the support of members of the House to have the request enforced.

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

The House divided.

Ayes23
Noes17
Majority.....6

AYES

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

NOES

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

Motion agreed to.

Motions

VICTORY IN THE PACIFIC DAY

Debate resumed from 26 August 2020.

The Hon. BEN FRANKLIN (16:26:25): I thank the Hon. Trevor Khan for bringing this motion to the House. It is important that we acknowledge Victory in the Pacific Day, or VP Day. I also thank him for sharing the story from his father's diary. It was an incredibly moving passage and tribute to the late Mr Khan. It was so eloquently written and, as the honourable member said, the excerpt was "illustrative of the impact of war. It is not a battle of nations, it is a tragedy of the human experience."

The Second World War had brought global conflict to Australian shores in a way that we had never seen before. Our geographical isolation had all of a sudden left us vulnerable and not sheltered as it had perhaps done in the First World War. Darwin was bombed, enemy submarines were in Sydney Harbour and most of our armed forces were on the other side of the world. In May 1945 victory was declared in Europe and the war was considered over for them, but for several more almost unendurable months Australians would still be fighting in the jungles of Papua New Guinea, Malaya, Borneo, Bougainville and New Britain.

Our soldiers were still prisoners of war and could not yet come home, and more lives would still be lost between Victory in Europe Day and 15 August 1945. Nearly one million Australians, one-seventh of Australia's 1945 population, helped with the war effort with about 500,000 serving overseas. In those early days, a full-scale Japanese invasion of Australia was a serious possibility and a major national fear. Over the next few years Australia played a significant role fighting Japan throughout various Pacific nations. We have them, as well as the many thousands of other Australians who have given their lives and limbs in conflict, to thank for our freedom.

While victory in Europe marked the end of Nazi tyranny, victory in the Pacific marked the end of the invisible enemy. Warfare in the jungle was completely different to warfare in the trenches of Europe. Our soldiers

were faced with a different kind of battle from what was familiar. The terrain was new and the gentlemanly rules of warfare were almost non-existent. I know that amongst the adrenaline, courage and strength there was fear, nausea and horror at what they were experiencing. During both world wars our armed forces were glorified. Our men were treated as heroes—and they are heroes—but there was little to no understanding of the horrors that they had endured. Many of our soldiers did not return home feeling like the heroes that the world proclaimed them to be. Many soldiers were broken, shell-shocked and changed forever, and many would not return home at all.

My grandfather was one of them. On Valentine's Day in 1945 my grandmother became a widow and my father—a little boy and an only child—grew up without a dad. My grandfather was a signalman in the Second World War and was killed in the Japanese prison camp at Sandakan on the island of Borneo. Out of the 2,434 prisoners incarcerated at Sandakan and then forced to endure the horrific death marches, there were only six survivors. This 99.9 per cent death rate was the worst of any prisoner of war camp in the Pacific or European theatres of the Second World War. History is fortunate to have some firsthand accounts from those interred. One of those was quoted in the postscript of Paul Ham's extraordinary book *Sandakan* to, in his words, "help the reader to assimilate the meaning of what he or she has just read". This anonymous note, written by one of those wretched souls at the camp, reads as follows:

Human history is the last depository of the truth, or truths about the end of days. It's all we have left when the last human trace disappears from our age, or era. Thus we must persevere ... And yet, what happened here in Borneo seems at times beyond the imagination of humankind, outside the acceptable remit even of the realm of fiction. For who among our novelists would dare subject the world to a story that ends with the image of sick and starving men being clubbed, shot or bayoneted to death where they lie, amid the naked corpses of their friends? The measurelessly awful reality that descends on these poor men is near impossible to write down. But I must persevere, for the sake of historic truth, and in the hope of conferring some sense of justice on behalf of the victims of one of the worst atrocities of the twentieth century.

My grandfather's tragic and unnecessary death is always something I have felt keenly and it has taught me three things: firstly, that we must always honour those who fell for us; secondly, that we must always support the families of those who do not return; and, thirdly, that as a society we have a moral obligation to provide whatever support is needed to those who have returned from conflict but still carry the mental or physical scars of their service to our nation. Every day that I serve in this Parliament I think about our responsibility to be the voice that people need, a voice that many do not possess themselves.

Of course, the story of my grandfather does not stand alone. Over 40,000 Australian soldiers were killed in the war in the Pacific—40,000 sons, fathers, brothers and friends did not come home in 1945 and we must never forget that they gave their lives so we may live ours in dignity, with liberty. There are several Second World War veterans who fought in the Pacific still alive today who live in my home patch of the Northern Rivers and I would like to share a few of their details with the House. My Federal colleague the Hon. Kevin Hogan had the pleasure of presenting these service men and women with a commemorative medallion to mark the seventy-fifth anniversary of VP Day and he spoke with them about their stories.

Mrs May Densley, from Kyogle, was a transmitter during the Second World War and would send and receive Morse code from Lake Boga. She said, "On a good day, I could hear signals coming from New Guinea." May's husband, Jack, also fought in the Pacific, serving in Papua New Guinea in Milne Bay. "War is a terrible thing," she says. "Jack had schoolmates that signed up with him for the war. They didn't come home. Jack lived through that." Phil Eckford from Lismore joined the war when he was only 15 years old. He went to join the navy in Sydney and they said he was too young. The recruiting officer told him to walk around the corner; so he went to a different recruiting station and within a few hours he was a member of the merchant navy.

He served on the coast of Australia and then in the islands of the Pacific. He worked on ships carrying munitions to destroyers and frigates. Phil says the scariest times were when they could not see the enemy but they knew that the Japanese submarines were close by. Phil talks about the sentiment towards the Japanese after the war and how he held a degree of hatred towards the Japanese. "Everyone did," he says. But Phil's son David moved to Japan when he was 16 to pursue his passion for karate. David is married to a Japanese woman and he still lives in Japan with his family. On one visit from David's family at Christmas his Japanese grandson visited, sat on his knee and called him "Pa". Phil says that in an instant all that hatred for the Japanese left him.

I acknowledge and thank other veterans across the Northern Rivers: Rex Page from Kyogle, Jack Donohue from Lismore, Link Smith from Lismore, Frank Winner from Iluka, Rupert John Jamieson from Wollongbar, Edward Moore from Ballina, Phil Steeles from Ballina, Edward Vincent Watson from Mullumbimby and Gordon Elvery from Alstonville, who I have had the absolute honour of meeting and sitting with. We are so grateful for the service of each and every one of them.

Finally, we cannot speak about Victory in the Pacific without acknowledging Kokoda. Kokoda is synonymous with the war in the Pacific and it was at this very time, on this very day, 78 years ago that Australian troops were living and fighting through this now infamous trail. It has a reputation for some of the most desperate

and vicious fighting encountered by Australians in World War II. Today 78 years ago our troops were still being pushed back. But 78 years ago tomorrow, on 17 September, they held the line, and on 23 September they began to move forward. At the same time, unable to advance on Kokoda, the Japanese decided to make a second line of attack and on 25 August they landed at Milne Bay. But the Australians stood their ground and were successful in holding the bay. Field Marshal Viscount Sir William Slim was largely responsible for the liberation of India and Burma. In his 1956 memoir, *Defeat into Victory*, he reflects on Australian troops in Milne Bay. He writes:

Australian troops had, at Milne Bay, inflicted on the Japanese their first undoubted defeat on land. Some of us may forget that, of all the allies, it was the Australians who first broke the invincibility of the Japanese army.

Throughout their campaigns in the Pacific, Australians have been praised for the instrumental role they played in the victory in the Pacific. Admiral Nimitz, United States Navy Supreme Commander, praised their work in relation to the Solomon Islands campaign. He said, "The coastwatchers saved Guadalcanal, and Guadalcanal saved the South Pacific." It has also become widely accepted that the retaking of the Kokoda region on 2 November 1942 saved Australia from Japanese invasion.

It is of the utmost importance that the war in the Pacific is not forgotten and that the entirety of memories and stories passed down is not just of Nazi tyranny and battles across Europe. Of course they must be remembered too, but victory in the Pacific must hold an equal place in the commemorations for those who fought and those who would never come home. It must be forever remembered as a defining moment in Australia's history, one that we perhaps would not be able to reflect on in this Chamber today if it were not for those men and women in the Pacific. In his speech to this House last sitting week, the Hon. Trevor Khan referred to the soldiers at war and on the home front, to those who returned suffering from the effects of war and those who did not return at all. He said, "It is for us to acknowledge their sacrifice and honour their memory." I feel privileged to have had the opportunity to do just that in this place today. I wholeheartedly support this motion. Lest we forget.

The Hon. SHAYNE MALLARD (16:37:29): I speak on this important motion moved by the Hon. Trevor Khan and thank him for bringing it to the attention of the House. It is very important that this House acknowledges the significant anniversaries of pivotal events in our relatively youthful nation's history, as we did in a very meaningful way in this Chamber when we commemorated the 100th anniversary of the end of the Great War. In the contemporary context of a pandemic and the curtailment of liberties and freedoms, accompanied by panic buying, rationing and ramped up policing and military enforcement in our community, I think we are having a small taste of the conditions that Australians endured during the deprivations and fears of invasion during World War II.

VP, or Victory in the Pacific Day—also referred to as VJ, or Victory over Japan Day—is celebrated on 15 August. That date commemorates Japan's acceptance of the Allied demand for unconditional surrender on 14 August 1945. For Australians it meant that the Second World War was finally over. The following day, 15 August, is usually referred to as VP Day. Australians had been at war since 3 September 1939, so the surrender marked the end of nearly six years of conflict, with all the loss, stress and fear that marked those years. This year marks 75 years since the end of the Second World War, which triggered euphoric celebrations across New South Wales and dancing through the streets of Sydney as then Prime Minister Ben Chifley announced over the radio, "Fellow citizens, the war is over ... 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." Such fitting words.

This year's celebrations were very different due to the COVID-19 pandemic, with many face-to-face commemoratives events very restricted. The New South Wales Government and acting veterans affairs Minister Geoff Lee launched the One Month to Remember VP Day campaign, encouraging veterans and their families to share their service stories in the lead-up to the seventy-fifth anniversary of VP Day to ensure that we can continue to acknowledge the service of veterans and, importantly, their families. The story collection is available online on the NSW War Memorials website.

It is moving to hear the stories of the Second World War veterans and their families; we have heard some of those in other speeches. It has made me very proud and I encourage all members in the House to view the stories online. World War II is a significant event in Australia's history with nearly one million Australians serving in the armed forces during the war. It was also the first time since European settlement that Australia came directly under attack. On VP Day we 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 was a time when people worked hard together to defend the nation. Over 40,000 Australians did not return home to their families, losing their lives while fighting in the war against Japan, around 8,000 of these dying in Japanese captivity. 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 deaths as well as 26 million

civilian deaths. Those brave young men and women made the ultimate sacrifice to fight for the freedoms that we cherish but all too often take for granted in Australia today.

I will make some personal reflections about my family's experience. My personal connection to the war in the Pacific is not unique among Australians. My late grandfather on my mother's side, Bruce Peterson, enrolled in the medical corps of the reserve forces, or the National Service. I think Reverend the Hon. Fred Nile was involved in the National Service. While the Australian Imperial Force was fighting in Europe and the Middle East, the menace of Japanese invasion was very real, with attacks thrusting downwards through the Pacific Islands from Singapore to Papua New Guinea as well as the horrendous bombing attacks on Darwin.

In the absence of the Australian Army, the National Service was deployed to Port Moresby and up into the Owen Stanley Range—the Kokoda track as we know it today—to confront the invading Japanese Imperial Army. Japanese forces advanced ferociously from the north, planning to take Port Moresby. My grandfather Bruce Peterson was deployed in the desperate struggle to stall the Japanese advance while the Australian Army was recalled from Europe. Those were desperate times because the cream of our young men and the trained officers were in Europe and the Middle East. Most of our serious war fighting equipment and materials were deployed in those theatres. Our airmen and women and naval forces were a long way from home.

You can imagine the trepidation felt by Australians. The National Service was essentially designated as a home guard and was neither well trained nor well equipped. But what members lacked in training and equipment they made up for in sheer guts and determination. History shows they stalled the Japanese advance on Port Moresby at great human cost. They stalled the fierce, ruthless, well-trained and well-equipped Japanese forces long enough for the Australian Army, which Prime Minister Ben Chifley ordered home against Churchill's express wishes, to return. The Australian Army relieved National Service forces and were able at great cost—and I acknowledge that Japanese costs were huge too—to drive the Japanese forces into the sea.

Paul Ham's book *Kokoda* is one of the best books about the battle for Kokoda and it canvasses the horrendous losses suffered by the Japanese: young men conscripted to fight for their country, who were ultimately abandoned in Papua New Guinea and left to die. Phillip Bradley's *D-Day New Guinea* is a more technical book that talks about pushing the Japanese out of Papua New Guinea and the incredible bravery and loss of life in those battles. My grandfather returned home wounded and, like almost every soldier that fought in Papua New Guinea, diseased with malaria and other problems. Sadly, he was a changed man and in the end, the marriage to my beloved grandmother was another casualty of the war.

His story was not unique and it was barely appreciated at the time. We struggle to support our returning armed forces personnel today as they battle post-traumatic stress disorder, as it is now recognised. In my pop's day it was drinking with your mates, trying to forget. I acknowledge, as I have done in the Chamber and indeed at a speech I gave representing the Premier at the Anzac Memorial in Hyde Park a few years ago on Anzac Day, the unrecorded or under-recorded toll on the home front. Those families were directly impacted by loss and torn apart by the conflict. To commemorate this important military anniversary in a meaningful and practical way, we should redouble our efforts and resources to support our returned service personnel and their families today because we know about the horrendous impact on contemporary service personnel.

VP Day is an extremely important day in Australian history. It is a day when we pause to remember the ultimate sacrifice of the young men and women who went to war to defend our nation and our freedoms. It is hard to put into words how thankful I am for that sacrifice. It is important that we always remember and continue to honour those who gave their lives and those who risked all they had for our country. I thank the Hon. Trevor Khan for bringing the motion to the House so that we could pay tribute today. I commend the motion to the House.

The Hon. NATASHA MACLAREN-JONES (16:45:54): I thank the Hon. Trevor Khan for bringing forward this important motion commemorating the seventy-fifth anniversary of Victory in the Pacific. On 15 August 1945, the Japanese Emperor Hirohito accepted the Allied forces' demand for an unconditional surrender, marking the end of World War II. On that same day the then Prime Minister, Ben Chifley, received a code word that confirmed at 8.50 p.m. that the war was over. At 9.30 a.m. the then Prime Minister went on the radio to tell Australians, "Fellow citizens, the war is over."

Those words signalled the end of a struggle that had been endured by civilians and military personnel for five years, 11 months and 11 days. The war was over, meaning that the hardships suffered by soldiers and citizens alike would end. The day had a sombre feeling and a sense of elation. While Japan had surrendered, the reality of the cost of war had set in and a time of reflection would begin. Nearly one million Australians served in the armed forces during the war. Some 39,000 brave Australian service men and women gave their lives, while thousands more were wounded and injured. Furthermore, over 30,000 Australians suffered as prisoners of war.

Those numbers all represent an individual Australian. There were daughters, sons, mates—someone who gave their life for the sake of their country. Victory in the Pacific Day is a time to stop and reflect on each of those individual heroes who sought to protect the freedoms of this nation. On that day in 1945 Ben Chifley asked the people of Australia to pause and thank God for victory and deliverance and to reflect. He said:

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.

In that sadness, however, came the relief and excitement of peacetime. The long-awaited victory had finally arrived and thousands filled the streets in major cities across Australia. There was a sense of happiness and cheer that peace had finally arrived. In Melbourne a woman named Ngaere MacGregor recalled:

Everyone was waving and laughing, it was just something else! And we all put flags out and redecorated the houses.

In Sydney, crowds packed the streets amid scenes of cheering, confetti and banners that proclaimed the words "victory" and "peace". Lillian Malcolm, a war widow from Sydney, participated in the celebrations while remembering her husband who had been killed serving with the Royal Australian Air Force in 1942. She noted that it was hard seeing so many people's husbands returning but said that it was wonderful and that she thanked everyone that it was over. An estimated one million people poured into the City of Sydney, gathering around Martin Place and The Domain, to celebrate the end of the war.

People were holding street parties, marches, dances and church services throughout the city. In the regions people were celebrating that peacetime had come. In Newcastle peace celebrations stretched over two days of multiple festivities. They included a march along King Street of serving and returned members of the navy, army, air force, Volunteer Defence Corps and other groups, with a fly-past of Royal Australian Air Force aircraft. A united religious thanksgiving service was also held in King Edward Park. Those scenes of jubilation were spread across Australia and were mixed with reflection and thanksgiving, commemorating those who gave their lives for the festivities that people now enjoyed and the hard-fought peace they now had. Around the world Australian service men and women rejoiced in the news that Japan had surrendered. Cecil Fish, a veteran aged 100 years who served in the Second World War in Papua New Guinea, recalled the end of the war. Recently he said:

We were about 15 kilometres inland, and the Japanese had Tokyo Rose on the air every night ... She used to spruik all this rubbish about what was happening in Australia, and they'd listen to it on the radio every night.

But we saw the Japanese general hand his sword over, and we had a victory dinner of corned beef, and hard biscuits with tea and coffee.

It was just like winning the lottery – it'll never repeat itself – and it's something you will never see again ...

Cecil returned to Australia in December 1945, married Edna and had six children, 12 grandchildren and 10 great-grandchildren. He is still living in Sydney and he shares his stories on regular occasions. He is just one of the many individuals who selflessly dedicated themselves to our country. Victory in the Pacific Day would be marked as the beginning of a period of transition for Australia. After being in wartime for close to six years, Australians had become accustomed to a life of wartime upheaval.

The home front had attacks on its own soil for the first time. The government had implemented a situation of total war and resources were marshalled under government control. Rationing and the regulation of food and clothing had been introduced in 1942 to curb inflation, reduce total consumer spending and limit shortages on essential items. The end of the war heralded a period of transition for those overseas. Japan's formal surrender took place on 2 September in Tokyo Bay, Japan. The Allied and Japanese forces went aboard the USS Missouri to sign the formal surrender to which the Commonwealth of Australia was a signatory. That would begin a lengthy process of liberating Australians who were prisoners of war and of returning service men and women home. There were 224,000 Australians serving across the Pacific alone who would begin to sail back to the shores of Australia and, more importantly, home.

One story of a prisoner of war is that of Sergeant Don Moore, who was captured in Singapore on 15 February 1942. He endured 3½ years as a Japanese prisoner of war suffering on the Burma-Thailand railway, a 420-kilometre railway built by captive forces of 60,000 Allied prisoners. He would subsequently work in labour camps until the end of the war. In an interview in the 1980s he noted:

We were going home, and it was just terrific ... Even now I think of that homecoming. It is like being born again.

The war was a time of transition back to civilian life for soldiers, airmen, nurses and prisoners of war. It presented new challenges and highlighted the physical injuries and mental trauma experienced from the horrors of war. For civilians it meant a return to normality and the advent of a postwar period. On the seventy-fifth anniversary of the end of the war in the Pacific, we commemorate and honour the memory of all who endured the war and paid the ultimate sacrifice for the freedom and democracy that we enjoy today. Lest we forget.

The Hon. LOU AMATO (16:53:29): I thank the Hon. Trevor Khan for moving his important motion. We are ever grateful to the sons of our great nation who sacrificed their lives for our freedom. We honour them and we have pledged never to forget them. Our Anzacs represent the very finest qualities of what an Australian can be. I extend our grateful thanks to the people of the United States of America. The history of the Japanese advancement is well known and we have all heard the stories of our brave diggers on the Kokoda Trail. Their courage and sacrifice halted the Japanese advancement towards Port Moresby, which was dangerously close to the Australian mainland. The reality is that we slowed the Japanese advancement but did not have the resources to completely stop it. Our American brothers fought alongside us as one and together we destroyed the Japanese Imperial Army's hopes of successfully taking Australia. Without the help of the United States of America we would have been overrun; the consequences are too difficult to imagine.

During the war in the Pacific our American brothers lost 41,592 United States Army ground troops, with 145,706 wounded. The Marine Corps and attached navy corps men suffered total casualties of 23,160 killed or missing and 67,199 wounded. We thank our American brothers for their courage and bravery and we honour them as we honour our own Anzac heroes. From the terrible horrors of war in the Pacific during World War II a great bond between three nations was formed. The Australia, New Zealand and United States Security Treaty, or ANZUS Treaty, was signed in 1951 to protect the security of the Pacific. Although the agreement has not been formally rescinded, New Zealand no longer maintains a security relationship with the United States of America. The relationship between Australia and the United States remains strong and the two nations remain firm and trusted allies. In these turbulent times we are grateful for the bond that exists between two great nations, Australia and the United States. I thank the Hon. Trevor Khan for his important motion and members for their valuable contributions. I thank the American people for their courage and sacrifice during the terrible sufferings of the war in the Pacific.

The Hon. TAYLOR MARTIN (16:56:29): I support the motion moved by the Hon. Trevor Khan, which recognises the seventy-fifth anniversary of the end of the war in the Pacific and honours the memory and sacrifice of all those Australians, both military and civilian, who endured the war effort. Australia's involvement in the Second World War began on 3 September 1939 when Prime Minister Robert Menzies made an announcement that was broadcast on every national and commercial radio station throughout Australia. Japan entered the war in December 1941 and made a number of offences at Pearl Harbor, Hong Kong, Thailand, Singapore, Guam, Malaya, the Philippines, the Dutch East Indies and the Australian city of Darwin, amongst others. The attack on Darwin occurred on 19 February 1942, with two waves of attack by 188 Japanese aircraft that dropped 681 bombs on the city, killing around 250 people. The attacks were the first on an Australian landmass. The former senior historian at the Australian War Memorial, Professor Peter Stanley, said:

Darwin is arguably Australia's most inclusive battle. Those who died that day included members of all three services, in rank ranging from a Wing Commander down to two cooks. They also included merchant seamen, postal workers and civilians who were just doing their jobs. They included men and women, black and white Australians, a teenage girl and a grandfather. It is important to recognise that the very first attack on Australia as a nation cost the lives of representatives of that nation.

Two young men received the Military Medal for bravery in the field during the attack on Darwin. Gunner Wilbert Hudson carried his Lewis machine gun into the open and, as his citation reads:

... until ammunition was expended brought to bear effective fire on the low-flying enemy aircraft ...

Lance Bombardier Frederick Wombey was ordered the medal for what he did during attacks on oil tanks at Darwin by enemy dive bombers and machine gun fire. On two occasions he ordered a gun crew to take cover whilst he waited for an attacking plane to come close enough to be a good target. His citation reads:

His action was partly responsible for the failure of the enemy to dive bomb the vital area he was defending. During the war in the Pacific there were almost 100 Japanese air raids across northern Australia, including in Townsville, Broome and Learmonth. In addition, German and Japanese ships and submarines carried out operations along the coastline of Australia. On the night of 31 May through to 1 June, Sydney Harbour came under attack for the first time when three Japanese midget submarines entered the harbour. Two of those submarines were destroyed before they could fire their torpedoes and the third fired at the USS *Chicago* but missed. Instead, the torpedo hit the HMAS *Kuttubul*, a converted ferry being used to accommodate Allied naval personnel, killing 21 sailors that night.

One of the lesser known attacks on Australia occurred in Newcastle a week after the attack on Sydney Harbour. On the morning of 8 June a Japanese submarine fired eight star shells and 26 rounds of high-powered explosive shells at the city. It is believed they were targeting the BHP steelworks that were manufacturing items required for the war effort. The gun emplacements at Fort Scratchley returned fire at the submarines. That is believed to be the only time during the war that Australian land-based guns fired at an enemy vessel. By the end of March 1942 Japan occupied most of South-East Asia and a large area of the Pacific. Australian Imperial Force members in Europe were brought home and the United States joined in our country's defence.

Of the 30,000 Australian servicemen who were taken prisoner during the Second World War, two-thirds were captured by the Japanese in the first few weeks of 1942. Unfortunately, 36 per cent of the Australians who were held as prisoners of war by the Japanese died in captivity. A number of strategic victories by Allied forces

occurred at the Battle of the Coral Sea in May 1942 and the Battle of Midway in June of that year. In July the Japanese landed in the then Australian territory of Papua at Gona and Buna. For the following four months Australian forces fought gallantly on the Kokoda Track against the Japanese. The Australian War Memorial website states:

The Kokoda Trail fighting was some of the most desperate and vicious encountered by Australian troops in the Second World War.

During that campaign 625 Australians were killed, more than 1,600 were wounded and casualties due to sickness were over 4,000. While it is debateable whether the capture of Port Moresby was the next step by the Japanese in an ultimate invasion of Australia, our defence at Kokoda and the subsequent retreat by the Japanese prevented them establishing a more forward base from which to launch even more devastating air attacks on Australia. Throughout 1943 and early 1944 Australia participated in a number of offensives in New Guinea, including the defeat of the Japanese at Wau, clearing Japanese soldiers from the Huon Peninsula before taking on a number of isolated Japanese garrisons in 1944 and 1945. As the motion outlines, four million military personnel from Allied forces and 2.5 million from Axis forces perished. In addition, around 27 million civilians from both sides perished.

On 15 August 1945 the Japanese surrendered unconditionally and on 2 September the Japanese Instrument of Surrender was signed aboard the USS *Missouri*. Following news of the Japanese surrender, Australians took to the streets to celebrate. *The Sydney Morning Herald* reported that "Sydney's reaction to the great news was a spontaneous outburst of joy" with up to a million men and women partying in the streets well into the night. Following the war Australia played a significant role in the occupation of Japan with 16,000 soldiers forming part of the British Commonwealth Occupation Force. That force, along with the US, remained in Japan until 1952 to supervise the demilitarisation of Japan and enforce the conditions of surrender. I thank the Hon. Trevor Khan for moving this motion because we must always remember the effects of war on those who remain. Lest we forget.

The Hon. TREVOR KHAN (17:03:23): In reply: I thank all members who contributed to debate and spoke strongly in support of the motion. It was clear that the subject of the motion was as emotional for them as it was for me. It is extraordinary that 75 years after such an event the ripple effect has continued to impact individual lives across this nation. Another important thing about this motion is that with the passage of time we have seen Victory in the Pacific Day not as an opportunity for triumphalism but for deep reflection upon the impact of the conflict on all those involved.

Since 26 August, when the motion was first debated, I have had cause to think about the images that I remember and the reflections that I have had. One of those is visiting Broome and looking over Roebuck Bay, knowing that in March 1942 it was the site of a Japanese air attack where a number of flying boats had been evacuating civilians from what was then called Batavia in Indonesia. That resulted in the deaths of some 88 people, many of whom were Dutch civilians on those vessels, including children as young as one. I reflected upon my visit to Kranji War Memorial in Singapore where I moved amongst the headstones. In particular, I was attracted to the headstones of the nurses whose bodies were buried at the cemetery.

I reflected on visiting the war cemetery in Thailand for those who died on the Burma Railway and seeing not only the graves of all those Commonwealth soldiers but also the graves where the ashes of the remains of some 600 of those were buried. Those images will remain with me forever. But there are other images of young Japanese soldiers who were pulled from bunkers and caves and who died extraordinarily painful deaths and of the Okinawan civilians who, terrified of being captured by the Americans, threw themselves from the cliffs onto the rocks and into the sea—not only adults but also mothers carrying their children. That is the tragedy of war. It is not about who was the bravest; it is about the tragedy for people of all races on both sides who suffered so terribly because of the errors of their leaders. Nothing more can be said other than, "Lest we forget".

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

Motion agreed to.

RAIL FREIGHT

Ms ABIGAIL BOYD: I move:

That private members' business item No. 686 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (17:08:20): I move:

- (1) That this House notes, as reported in the Transport for NSW, NSW Freight and Ports Plan 2018-2023, that:
 - (a) "rail freight offers a fast, reliable and safe alternative to roads";

- (b) "there are opportunities to improve freight efficiency by shifting some commodities away from road transport to rail, which is well-suited for transporting containerised freight, such as agricultural exports and construction materials, over longer distances";
 - (c) "there are significant benefits to increasing the use of rail freight in Greater Sydney, particularly in the face of growing road congestion";
 - (d) "investment in improved east-west rail freight networks and connectivity with NSW ports will be critical for maximising the benefits of Inland Rail for NSW"; and
 - (e) "heavy trucks were the 'key vehicle' in 39 per cent of fatal crashes in 2015 to 2017 and 59 per cent of serious injury crashes from 2014/15 to 2016/17".
- (2) That this House notes that:
- (a) rail is widely regarded as the most efficient mode of transporting freight;
 - (b) shifting freight off of roads and onto rail improves safety and eases road congestion; and
 - (c) the Great Western Highway duplication project will facilitate greater usage of the Great Western Highway for transporting freight.
- (3) That this House calls on the Government to:
- (a) halt construction of the Great Western Highway duplication until a comprehensive analysis, including socio-economic and environmental impacts, is undertaken for an integrated transport approach to freight and passenger movements between the Central West and the New South Wales Coast, including implications and opportunities arising from imminent and planned State and Federal Government enhancements to rail freight capacity such as the Inland Rail freight line; and
 - (b) explore the feasibility of upgrading the Blue Mountains rail line to expand freight and passenger capacity.

According to the Transport for NSW report entitled *NSW Freight and Ports Plan 2018-2023*, "rail freight offers a fast, reliable and safe alternative to roads". Many people would agree. After all, rail is widely regarded as the most efficient and sustainable mode by which to transport our ever increasing volume of freight. Yet it seems the New South Wales Coalition may have missed its own memo. Right now communities across the Blue Mountains, including Katoomba, Medlow Bath and Blackheath, are coming together to oppose the proposed duplication of the Great Western Highway, which would not only bulldoze those historic towns but also would expose them to convoy after convoy of B-double trucks carrying freight to and from Central West New South Wales. Forcing those trucks onto busy roads is dangerous. The *NSW Freight and Ports Plan 2018-2023* states:

Heavy trucks were the 'key vehicle' in 39 per cent of fatal crashes in 2015 to 2017 and 59 per cent of serious injury crashes from 2014/15 to 2016/17.

Rail does not pose those problems. It is safer, cheaper, more sustainable and would be much quicker than transporting freight over long distances on trucks if investment was made in the appropriate infrastructure. Why then has the New South Wales Coalition and, by extension, the Roads and Maritime Services [RMS] pushed ahead with the proposed duplication of the Great Western Highway without considering the potential role that rail could play in carrying additional freight volume?

Throughout the consultation process the RMS has repeatedly told residents in Blackheath, Katoomba and Medlow Bath that it is not considering rail as an option. It is a clear example of just how the silo mentality that the RMS operationally embodies leads us to sub-par solutions that do not consider the needs of the affected communities. It makes even less sense when you realise that a multibillion-dollar rail infrastructure project in the form of the Inland Rail is under construction merely a few hours away from the Blue Mountains, linking Melbourne to Brisbane via regional New South Wales and facilitating a huge shift to freight being transported by rail across our country. Once again, the *NSW Freight and Ports Plan 2018-2023* states:

Investment in improved east-west rail freight networks and connectivity with NSW ports will be critical for maximising the benefits of Inland Rail for NSW.

How exactly will the duplication of the Great Western Highway facilitate faster movement of freight between Sydney ports, the new western Sydney airport and the Inland Rail corridor in a way that rail could not do more efficiently? The community does not want this project. It does not stack up economically and nonsensically seems to be completely divorced from the broader freight strategy that the Government is pursuing. We are calling for a halt to construction on the proposed duplication that would bulldoze the historic towns of Medlow Bath and Blackheath until a comprehensive analysis, including socio-economic and environmental impacts, is undertaken for an integrated transport approach to freight and passenger movements. The Greens stand firmly with the affected communities who want to see all the options on the table and for the expansion of freight by rail to be considered against the potential duplication of the Great Western Highway. I commend the motion to the House.

The Hon. SAM FARRAWAY (17:11:57): On behalf of the Government, I oppose the motion. I move:

That the question be amended by omitting all words after "That" and inserting instead "this House supports the New South Wales Government's upgrade of the Great Western Highway between Katoomba and Lithgow, noting the upgrade will deliver safer, more reliable journeys for people travelling in, around, and through the Blue Mountains, create thousands of jobs and is being developed alongside long term rail options as both are needed to meet future demand and address current issues around congestion, journey reliability and safety."

Ms Abigail Boyd: Point of order: The member is welcome to bring his own motion on this issue but the amendment that has been put is the opposite of the motion that has been moved and should be ruled out of order.

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): As time is limited I will allow the Deputy Government Whip to continue his contribution while I seek advice from the Clerk.

The Hon. SAM FARRAWAY: The New South Wales Government's \$2.5 billion upgrade of the Great Western Highway between Katoomba and Lithgow is about delivering for the people who live in, around and through the Blue Mountains. It is part of the Government's \$100 billion investment and infrastructure pipeline, which is creating tens of thousands of jobs, delivering investment in our regions and building for the future. The upgrade of the Great Western Highway is a landmark commitment to the people of the Blue Mountains and the opening up of access to the State's west. The Government recognises that a decade-long infrastructure project such as this is incredibly complex and requires careful planning and extensive community consultation to get it right. We are not afraid to think big and get beyond the next election cycle. We have demonstrated that with the Pacific Highway, which we have been rolling out in careful, considered stages. That has developed and delivered unprecedented growth and employment for the North Coast of New South Wales.

We have a clear plan to do the same with the Great Western Highway. When you talk about a project that will take a decade to roll out, you do not rush it; we are making sure that we get it right from the beginning. Transport for NSW has engaged a contractor to prepare a strategic business case for the Great Western Highway upgrade program, which will consider options for addressing the service needs, including improving transport within and across the Blue Mountains. It is expected to be completed at the end of 2020, allowing time for contributing studies to be finalised, such as transport, connectivities, safety and freight analysis. But we are not sitting on our hands while we are getting this done; we are out in the community right now listening to and understanding the needs of the community. The \$2.5 billion Great Western Highway upgrade will improve safety, reduce congestion and deliver more reliable journeys in, around and through the Blue Mountains. [*Time expired.*]

The Hon. MARK LATHAM (17:15:05): I support many aspects of the motion moved by Ms Abigail Boyd and congratulate her on emphasising the importance of rail freight in New South Wales. However, I wish to add an additional subparagraph to part 3. I move:

That the question be amended by inserting after paragraph (3) (b):

- (c) support the rail freight capacity in the Hunter Valley to allow the construction of the Port of Newcastle Container Terminal.

The amendment goes to the heart of integrated transport in New South Wales. It is good to have rail freight but it is even better to have efficient links for export capacity and to unleash other transport economic potential for New South Wales. We only have one container terminal—Port Botany—which means that all the freight that comes from around the State, particularly the northern part, has to go through Port Botany. With that comes the congestion on the streets of Sydney.

It would be superior to use the rail freight capacity that exists in the Hunter Valley, enhanced by other government support, to allow the construction of the Port of Newcastle container terminal, which would unleash 15,000 new jobs. It is a \$1.8 billion project and adds \$2.5 billion to GDP. That is completely irresistible in the context of this deep recession and the collapse of the New South Wales economy. What is holding it back is the anti-competitive deal that was struck previously by this Government, whereby the privatisation of the New South Wales ports put in place an arrangement that if the Port of Newcastle went over a bare minimum—a very low level—of containers, it had to pay an extra \$100 a box. We then found out that money was going directly to the privatised Port of Kembla and Botany. It is a remarkable anti-competitive, anti-economic arrangement that effectively means we cannot build the Port of Newcastle because of the arrangements put in place by the Baird Government and involving also Minister Constance and then Minister Berejiklian.

It is a shameful arrangement that now holds back the New South Wales economy when it can least afford it. We need the 15,000 jobs and the capacity to export out of the Port of Newcastle from the northern parts of the State. We hear a lot of good talk from The Nationals about supporting farmers. This is tangible transport support for not only primary producers but also for other manufacturers and exporters to improve efficiency and to boost the economy. Most importantly it recognises that whether we like it or not the existing coal Port of Newcastle is under pressure. It is the world's biggest coal port, from which 98 per cent of the exports are coal. I understand it will not always be that way and I have other views about that. But we have to face the reality of diversifying the economic base in the Hunter and supporting rail freight— [*Time expired.*]

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): I indicated that I would rule on the point of order after the Deputy Government Whip completed his contribution. On advice from the Clerks there is no point of order.

The Hon. JOHN GRAHAM (17:18:37): On behalf of the Opposition I speak in support of Ms Abigail Boyd's motion. I thank her for bringing it before the House because it is an important community debate that has animated the villages of the Blue Mountains—and we can understand why. I say at the outset that the Opposition supports jobs, roads and the many communities that are crying out for this sort of investment, funding and attention for roads in their communities. This community is up in arms as the Government has started to bulldoze through the complex community views in the villages of the Blue Mountains. This is one of the most remarkable parts of the State. This has been a long-running debate. These proposals have been floated before and have ended up being very contentious, so the Government should not have been surprised that that was the case this time.

Secondly, the community consultation on this has been very poor. If you head through Blackheath you will see the house on Station Street with the protest sign on its roof. If you go on a bushwalk on one of the oldest bushwalking tracks in New South Wales you will also see protest signs about this development. There is significant community concern. How has the Government dealt with that? It has dealt with it with a culture of secrecy. That is the truth. The recommendation from the Opposition is to work with the local member, work with the local council, when it comes to this project. We are sympathetic to much of the motion moved by Ms Abigail Boyd. I indicate that, in this environment, the Opposition does not support halting construction altogether. Accordingly, I move:

That the question be amended by omitting in paragraph 3 (a) "halt construction of the Great Western Highway duplication until" and inserting instead "conduct", and by omitting "is undertaken".

The paragraph would then say that we should conduct a comprehensive analysis—including socio-economic and environmental impacts—from having a combined, integrated transport approach. We do think it is worth looking at the rail solutions here. We think that that could be part of the mix and it has not been adequately considered. It should be studied, and we will move an amendment to make sure that that is the case.

Finally, I indicate that Transport has real concerns about funding for this project. Secret Transport documents on the desk of the Minister indicated this duplication had been announced but there was no funding in place to support it. This was a sham. That was the view that Transport put to the Minister after the election. We are concerned by that. I know my colleague the Hon. Mick Veitch will speak on this motion because he has had real concerns and engagement on this project. We believe the community should be listened to. We believe the rail option should be looked at. In view of the beautiful, sensitive and important area of the State that this is, the Government's ham-fisted approach and the bulldozing has caused much more concern than it should have. Accordingly, with that amendment, we are open to the approach that the member is bringing before the Chamber today. I indicate that we will be supporting the amendment moved by the Hon. Mark Latham.

The Hon. SHAYNE MALLARD (17:22:21): We all know that road and rail are critical to moving freight across New South Wales and that road and rail freight tasks are growing alongside our economy and our population. It is not one or the other, I am afraid to say; it is no green utopia. Upgrading both road and rail to improve freight access, reliability, safety and efficiency is critical to delivering for the people of New South Wales economic growth and jobs in the Blue Mountains region and western New South Wales in this context. We know how important the freight industry is. It has been shown to us time after time during this pandemic that freight on road and rail has ensured the continued supply of essential goods like food and medical supplies to our local communities and helped to keep our economy moving.

I now turn to the highway upgrade, which I have spoken about many times in this House. It is interesting that The Greens have finally discovered it. The New South Wales Government has committed \$2.5 billion to upgrading the Great Western Highway to dual carriageway in both directions between Katoomba and Lithgow, improving efficiency and safety. Let me point out that Labor failed to upgrade the highway in its 16 wasted years in office. It also failed to upgrade the rail line and the trains. But we will not talk about Labor's record. The highway has been designed to the highest standards and to carry the safest and most productive heavy vehicles in the future.

The consultation process is extensive. Upgrading the highway will improve safety for local residents, because there have tragically been fatalities of local residents on that highway, and improve safety for visitors. The tourism and visitor economy will benefit from the upgrade and there will be an increase in jobs locally and in the west. If you go to the highway between Blackheath and Katoomba on almost any afternoon of the week, but particularly on weekends, it is a traffic jam and that discourages tourism and visitors. There will be fewer heavy vehicles on the road and a safer road environment for local communities.

The New South Wales Government is committed to moving more freight from road to rail. We already invest in the rail freight network to deliver capacity enhancements, but this is not a substitute for investing in our road freight network. The Great Western Highway upgrade is being developed alongside long-term rail options as both are needed to meet future demand and to address current issues around congestion, reliability and safety. It is not simply a case of putting freight on rail. No-one has said it here, but 90 per cent of the freight suitable to be transported by rail from the Central West to Sydney is already on the rail system. It is over capacity.

Even with the upgrade and improvements to rail, there will always be types of freight which must be moved by road, such as consumables, groceries and fuel. Comparatively small amounts of goods are required to be delivered to multiple stores. Further, nearly 40 per cent of the road freight between Hartley and Katoomba is used or produced in the Blue Mountains and starts or ends its journey between the two villages. I encourage members not to support this motion. [*Time expired.*]

The Hon. ROD ROBERTS (17:25:45): I will make a very short contribution. I thank Ms Abigail Boyd for bringing this to our notice in the Chamber today. I am a big supporter of rail freight. I came from a rail freight family. My father was a guard on goods trains many years ago. Not many people in this Chamber are old enough to remember the Enfield marshalling yards, but dad was a guard on goods trains, so we grew up with rail and rail freight. Rail freight is a safe and efficient method of transport and I fully support the vast majority of Ms Abigail Boyd's motion.

This pandemic has shown us that we need secure supply chains, particularly in New South Wales. I am perplexed listening to Government members talking about how good rail freight is, and I think I should remind the members of another Government kerfuffle back in February of this year when the Environment Protection Authority [EPA] under the control of environment Minister Matt Kean tried to—pardon the pun—railroad Southern Shorthaul Railroad off the rails. Southern Shorthaul Railroad employs 205 staff in New South Wales and runs 63 locomotives. They move half the grain that is in all the loaves of bread that we eat in this State. The EPA had the idea that the diesel locomotives were producing too many toxic fumes and they were going to take them off the rails, so when I stand here and hear Government members spruik about rail freight and how they support it, I think we just need to remind them of their efforts earlier this year.

The Hon. MICK VEITCH (17:27:41): I join in the debate. I would like to make a few comments for the benefit of the Hon. Rod Roberts. Members know that I spent a bit of time shearing sheep for a living, but when I got sick of shearing I worked on the railways. I understand the goods guard at Enfield because I worked in that gravity yard as a guard. I also worked at Chullora, as an assistant station master at Rydalmere and Toongabbie, and as a sparky guard at Flemo as well, so I will talk to the Hon. Rod Roberts about his old man a bit later on.

I am a little perplexed by the amendment being proposed by the Government. It says, after "That", remove all words. I gather what it is removing are the words from the Transport for NSW *NSW Freight and Ports Plan 2018-2023*. It is removing the words of their own Government document, which I am a little perplexed about. If it is going to remove those words I guess that means its current position is that it does not support the proposition that rail freight offers a fast, reliable and safe alternative to roads. I guess it does not support the proposition that there are opportunities to improve freight efficiency by shifting some commodities away from road transport?

The Hon. Shayne Mallard: Do not verbal us.

The Hon. MICK VEITCH: I am not verballing. The amendment clearly says to remove all words after "That". They are the words that would be removed, so clearly there is a problem with this. Paragraph (2) (a) states "rail is widely regarded as the most efficient mode of transporting freight".

The Hon. Shayne Mallard: It is 90 per cent.

The Hon. MICK VEITCH: I acknowledge the interjection, even though I know I should not. There is clearly an issue in the Government when its members want to remove the words that support the statements that some of them have made. I am a little perplexed by that. I have had lots of conversations about this matter with people in not just the Blue Mountains but also the Central West. The mayors often raise with me an issue that they still have a lot of concerns about, which is the fact that the National Party promised to build a Bells Line expressway in 2007 and 2011 and did not deliver it.

Members opposite should not come in here talking to us about what they did and did not do. They promised the expressway and did not do a thing—or they did safety enhancements only. Some of the villages along there are beautiful parts of New South Wales; they are a good place to go and spend some dollars in small businesses. The local view is that this should be paused so that there can be adequate and meaningful community consultation around what is going on. They want this project paused for that purpose. I think we should be doing that at least as a courtesy to the people of those communities in the Blue Mountains. [*Time expired.*]

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:30:49): The Government supports much of the substance of this motion, including the mention of its very good *NSW Freight and Ports Plan 2018-2023*. However, in its current form the motion still fails to recognise the need for the Great Western Highway upgrade to be developed alongside long-term rail options to meet future demands. While rail is efficient when moving large volumes of freight such as steel, grain and coal over medium to long distances, there are types of freight such as groceries and fuels which will always need to be moved by road.

I have had the opportunity to discuss this with members who have direct experience of what is needed because they travel over the Blue Mountains every week. The inconvenience caused when a truck rolls or something else happens is enormous because there is only one route. There is a crying need to get this done. The expression that people often use in this sort of situation is that we can have our cake and eat it too. That means that we need to support both aspects to create transport options to western New South Wales and to open it up. We have plans to open Bathurst and Wagga Wagga up as activation precincts and the Government has a drive to create jobs in western New South Wales—

The Hon. Sam Faraway: Parkes.

The Hon. DAMIEN TUDEHOPE: Parkes, not Bathurst. I beg your pardon. Does the Hon. Sam Faraway want an activation plan? We are handing them out at the moment. Those things need this sort of infrastructure to be put in place to make sure that we can deliver those sorts of activation precincts. I put on the record that the problem with the amendment moved by the Hon. Mark Latham—and why the Government will not be supporting it—is that it does not address the deficiency in this motion. Because the motion itself is deficient, the Government in those circumstances cannot support it.

The Hon. MATTHEW MASON-COX (17:33:47): The reality is that the motion before the House is a good start. Some compromise is afoot in terms of trying to refine it and I must say that I am attracted in various ways to all three amendments that have been suggested. Let me start with the Hon. Mark Latham's amendment. I was there when the deal was done in relation to the Port of Newcastle. I was unaware—as members in this place were all unaware—of what one might call the merchant banking sting in the tail. I cannot help but think that our merchant banking Premier at the time was done over by his ilk. In that regard, we have put together a deal which reduces competition amongst the ports in New South Wales.

I understand that the deal will be subject to the Australian Competition and Consumer Commission proceedings in the Federal Court, which I think will be heard next month. I very much look forward to that deal being unpicked because I believe it really holds back the Hunter area in relation to not only the development of the port but also the movement of freight through that whole region. It also holds back the opportunity of bringing larger ships into the Port of Newcastle and creating a real hub there, which would drive economic activity in that area and provide a much-needed diversification of the economic base of the wider Hunter. There are certain strengths in relation to what the Hon. Mark Latham has said.

As to the other parts of the motion, there is certainly an opportunity to improve rail infrastructure in the Blue Mountains, particularly for freight. But there is also a great need to upgrade the Great Western Highway. Indeed, I have been a big fan of the Bells Line of Road expressway. Certain things could be done to improve some of the very bad and dangerous patches of that road, but it is about trying to deal with the investments that we have before us. It is heartening that under the guidance of this Government at this time, in a post-COVID infrastructure breakout, we have the opportunity to invest in a range of projects. It is a very exciting time for regional New South Wales to see some of that money expended on some key economic infrastructure.

Ms ABIGAIL BOYD (17:36:43): In reply: I thank all members for their contributions to the debate. I feel like we have delved into the psyche of the Government members a little bit and it has been very interesting. To take my motion, delete all of the words and put up something completely different is the great sort of make-believe that we commonly see the Government enter into. For example, we often hear Government members tell us about how they are consulting with the community—despite all the evidence. I am sorry to say that there is a motion and an issue here, and I would much rather that Government members respond to the issue in a sensitive and sensible manner rather than try to grandstand with really strange stunt amendments. Taking the substance and the more sensible contributions on board, I thank the Hon. Mark Latham for his amendment, which The Greens will be supporting.

I agree wholeheartedly that there seems to be a complete disconnect between what this Government says and what it is doing in relation to its broader freight strategy linking the ports to the airport and to the inland rail. We support that. Then we come to Labor's amendment. I am disappointed that Labor members have chosen not to support a halt to construction for this destructive project. I acknowledge their support for the remainder of the motion and I am grateful for that. I remind members that in moving more freight to rail there are thousands of secure high-quality and long-term jobs in construction, servicing and maintenance. Nobody said that we were

moving every little bit of freight to rail. I thank all members. We will not be supporting Labor's amendment or the Government's amendment—or the one that the Hon. Damien Tudehope tried to move on the fly—but we will be supporting One Nation's amendment.

The PRESIDENT: Ms Abigail Boyd has moved a motion, to which the Hon. Sam Farraway, the Hon. Mark Latham and the Hon. John Graham have moved amendments. The question is that the amendment of the Hon. Sam Farraway be agreed to.

The House divided.

Ayes17
Noes22
Majority.....5

AYES

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

NOES

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

Amendment of the Hon. Sam Farraway negatived.

The PRESIDENT: The question is that the amendment of the Hon. John Graham be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

[In division]

The Hon. Trevor Khan: Point of order: Under the conventions that previously applied, the time for the count occurred when the Whips were appointed. Plainly, things are more difficult now. I suggest that when members are invited to stand, that point in time is their opportunity to decide their vote. Members should not be entitled thereafter to change their position.

The Hon. Adam Searle: To the point of order: The change in arrangements did not make that clear. Given that we have changed the way in which the votes are recorded, if what the Hon. Trevor Khan has said is to be taken up, the fairest thing to do would be to recommit the vote and allow it to go afresh. The way in which the votes were cast and recorded has changed and some of the conventions may have to be adjusted accordingly.

The Hon. Shayne Mallard: To the point of order: Under the standing orders—I cannot recite which one—a member cannot change their vote during the division from how they voted on the voices. The members in question clearly voted against the amendment on the voices and now they are standing to vote in support of it. They are changing their vote and it is against the standing orders.

Mr David Shoebridge: To the point of order: I am not suggesting that the honourable member does not have that objective belief, but I can assure him that is not what has happened here. That is not what happened on the voices. For no reason other than I was not really sure what we were doing, my voice would not have gone in any one direction.

The Hon. Trevor Khan: Further to the point of order: There can be no doubt that what The Greens have done is change their mind halfway through the exercise—flip-flopping backwards and forwards—and they should be held to account for that. They were clearly voting "No".

The PRESIDENT (17:59:51): Standing Order 112, Calling for Divisions, states:

- (1) A question put by the Chair in the House or committee must be resolved by a majority of voices for the "ayes" or "noes".
- (2) When the Chair states that the "ayes" or the "noes" have it, members may challenge that opinion.
- (3) A division may not be called for unless voices have been given both for the "ayes" and "noes".
- (4) A division may only be called for by two or more members who have given their voices against the majority as declared by the Chair.
- (5) If only one member calls for a division, the member may ask for their vote to be recorded in the Minutes of Proceedings.
- (6) At any time before the tellers are appointed a call for a division may be withdrawn by leave of the House. The division will not be proceeded with, and the decision of the Chair will stand.

Standing Order 113, Voting in Division, states:

- (1) A member must vote in a division in accordance with that member's vote by voice.
- (2) A member may not vote in any division on a question in which the member has a direct pecuniary interest, unless it is in common with the general public or it is on a matter of state policy. If a member does vote, the vote of that member is to be disallowed.
- (3) A member is not entitled to vote in a division unless the member is present in the chamber when the question is put with the doors locked.

In Standing Order 114, Procedure for Division, subsections (1), (2), (3), (4) and (5) are not really relevant, but subsections (6) and (7) state:

- (6) Every member present when a question is being decided by division must remain and vote.
- (7) After members have taken their seats on the side of the chamber on which they intend to vote they may not move from those seats once tellers have been appointed and until the result of the division has been declared.

That is the relevant part that the Deputy President is stating in his point of order. I know we have changed these arrangements because of COVID-19; we no longer take ayes to the right of the Chair and noes to the left of the Chair, and members remain seated once I have appointed the tellers. The difference now is that I ask the ayes to stand and then I appoint the tellers; then I ask the noes to stand and I appoint the tellers. I have to treat the standing of the ayes and the standing of the noes in the same way I would treat the ayes to the right and the noes to the left once the tellers were appointed.

I called for the ayes to stand and I appointed the tellers. I noted that the members of The Greens and I believe Mr Justin Field—I am prepared to be corrected if I am wrong—remained seated whilst the tellers were going through the telling. Accordingly, members of The Greens and Mr Justin Field—and, in fact, any other member who was still seated at the time the tellers were appointed and commenced their count—should resume their seats.

Mr David Shoebridge: I 100 per cent accept your ruling, but given this is the first time this matter has arisen I ask the indulgence of the House to put the vote again.

The PRESIDENT: I think that would be a matter of leave of the House. Are you seeking leave?

Mr David Shoebridge: I seek leave to put the question again.

Leave not granted.

The PRESIDENT: Leave not being granted, I do not believe I can do it.

The Hon. Penny Sharpe: Point of order: I put the case that quite often we have complicated votes and if there are concerns about calling for divisions we should recommit these matters. I believe it is not unreasonable and given also that Mr David Shoebridge stood for part of the division, then sat down and then stood again, this is not a clear issue. I would ask the House to give leave for this matter to be revisited. I seek leave to put the question again.

Leave granted.

The PRESIDENT: I will put the question again. Would members please resume their seats. Again, it is a little bit of a problem where there is a lot of conversation taking place and people are not paying attention. Now that I have made it very clear what the position of the Chair is, I would not be prepared to put the question again if a similar error occurs. I think that is fair.

The question is that the amendment of the Hon. John Graham be agreed to.

The House divided.

Ayes23
Noes17
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

Amendment of the Hon. John Graham agreed to.

The PRESIDENT: The question is that the amendment of the Hon. Mark Latham be agreed to.

Amendment of the Hon. Mark Latham agreed to.

The PRESIDENT: The question is that the motion as amended be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes23
Noes17
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 as amended agreed to.

*Documents***INFRASTRUCTURE AND JOB ACCELERATION FUND****Production of Documents: Order**

The Hon. ADAM SEARLE: I move:

That private members' business item No. 718 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (18:15:37): I seek leave to amend private members' business item No. 718 outside the order of precedence by omitting "14 days" and inserting instead "21 days".

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Premier, Department of Premier and Cabinet, The Treasury, Treasurer, Deputy Premier, Regional NSW or Resilience NSW relating to the Infrastructure and Job Acceleration Fund:

- (a) all documents relating to the \$3 billion Infrastructure and Job Acceleration Fund;
- (b) all documents relating to all projects or programs to be funded by the Infrastructure and Job Acceleration Fund;
- (c) all correspondence to and from all Ministers' offices, and all government departments and agencies regarding the Infrastructure and Job Acceleration Fund; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a simple Standing Order 52 motion calling for documents relating to the Government's announced \$3 billion Infrastructure and Job Acceleration Fund. This is the fund into which the Government wishes to put the money that would otherwise go into public sector pay increases—take it out of the pockets of public sector workers and put it into this fund. The Government has made some announcements about how the fund is to be dispersed. We do not have the budget yet and budget estimates is some time away. It is reasonable, appropriate and I think actually required in these extraordinary circumstances that this House, as the House of review, compels the production of those documents so that we can scrutinise and evaluate how the Government proposes to spend a considerable amount of public money. Discussions have been held with the Government to see whether we could narrow the scope but we could not reach agreement; that is just how things roll. I urge honourable members to support this call for papers.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:17:15): The Government will not oppose the motion. I am grateful for the extension of time that has been agreed to. I made the point earlier that the Opposition needs all the help it can get in formulating policies and all the help it can get in understanding how good governments work. In relation to the \$3 billion infrastructure fund, the Opposition will receive an education about how good policymaking, the delivery of good infrastructure and the creation of jobs work—all things that will be necessary in emerging from the pandemic. Although the Government maintains that the scope of a lot of such motions is too wide and onerous on the Government's resources—there are 15 Standing Order 52 motions today—it will not oppose this motion because the Government thinks it is beneficial. Indeed, I acknowledge the argument of the Leader of the Opposition that this is the House of review. I also acknowledge his point about budget estimates and the budget. The Government will not oppose the motion.

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

Motion agreed to.

TRANSPORT AGENCIES PROCUREMENT POLICY**Production of Documents: Order**

The Hon. JOHN GRAHAM: On behalf of the Hon. Adam Searle: I move:

That private members' business item No. 719 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (18:19:52): On behalf of the Hon. Adam Searle: I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Minister for Transport and Roads, Transport for NSW, Sydney Trains, NSW TrainLink, State Transit, Sydney Ferries, RailCorp, Sydney Metro, Roads and Maritime Services, or the Port Authority of New South Wales relating to procurement by transport agencies:

- (a) all briefs prepared for and provided to the Minister for Transport and Roads relating to the procurement of goods or services by Transport for NSW, Sydney Trains, NSW TrainLink, State Transit, Sydney Ferries, RailCorp, Sydney Metro, Roads and Maritime Services, and the Port Authority of New South Wales since 30 March 2015; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The motion is in terms similar to the previous resolution. It relates to procurement by the transport agencies of New South Wales. It has been a matter of significant concern and public debate in relation to the question about how to keep people in work, particularly looking at local procurement. In moving the motion for the Opposition, I indicate that we are willing to negotiate with the Government if in responding to this call for papers it takes the view that the order for papers becomes more onerous than other orders under Standing Order 52. I thank the Leader of the House for the comments he just made. I am confident we can work within the framework he is establishing, but I want to place that view on the record for the Opposition. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:21:10): I indicated earlier that I wanted to make some general comments in relation to Standing Order 52. I seek the indulgence of the House to put those observations on the record so that I do not have to keep repeating them. I will refer back to these comments at a later day. I thank Mr David Shoebridge, the Hon. Adam Searle and others for moving motions which acknowledge some of the problems that have started to emerge in relation to Standing Order 52. I welcome a round table which potentially deals with the whole scope of Standing Order 52 and sets in place a more acceptable structure in relation to it.

The Government acknowledges the common law power of the House to call for papers and is committed to complying with its obligations under Standing Order 52, notwithstanding that those opposite may doubt that commitment. It is well established, however, that the Legislative Council's powers are limited by the principle of reasonable necessity; that is, the House only has such powers as are reasonably necessary for it to effectively perform its functions as a House of scrutiny. The opinion of the Solicitor General and Ms Mitchelmore, dated 9 April 2014, has been tabled in the House and published. That advice notes that:

It would be reasonable in our view, to query or dispute an order that contained an impractical deadline or referred to no specific subject matter in relation to the documents sought – but, for example, by location only – or referred to a subject matter that was so broad and unwieldy as to place great practical difficulties upon compliance.

Since the election in March 2019 the Government has provided over 1,251 boxes of documents in response to 109 separate orders for papers. In fact there are 15 motions for orders for papers on the *Notice Paper* today. I am advised that the time and cost incurred by agencies to identify, copy, review, index and produce the documents in response to those orders in such a short time frame is substantial and is diverting resources from other important work of the public service.

In responding to just one order, a State-owned corporation produced approximately 13,000 documents to the House at a cost of some \$400,000. In responding to another order, one department was required to produce 55,000 pages at an estimated cost of \$500,000. Together that is an estimated spend of \$900,000 by two agencies responding to two orders. The Department of Premier and Cabinet [DPC] estimates that agencies have spent approximately 5,930 hours responding to the following orders for papers in 2020—

The DEPUTY PRESIDENT (The Hon. Courtney Houssos): The Minister's time has expired.

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

Leave granted.

Regarding floodplain harvesting, it was estimated to have taken 105 hours to provide 12 boxes of non-privileged documents and 14 boxes of privileged documents; regarding transport asbestos registers, 175 hours to provide 74 boxes of non-privileged and 28 boxes of privileged documents; regarding the Powerhouse Museum, 400 hours to provide 17 boxes of non-privileged and nine boxes of privileged documents; regarding supplies to public schools, 535 hours to provide nine boxes of non-privileged and one box of privileged documents; regarding Stronger Country Communities Fund grants, 195 hours to provide one box of non-privileged and five boxes of privileged documents; and regarding funding for independent disability advocacy services, 295.5 hours to provide six boxes of non-privileged and three boxes of privileged documents. That is an incredible burden on agencies and a waste of public money that diverts scarce resources away from programs and services that help the people of New South Wales.

The public service is currently focusing its efforts on reducing the spread of COVID-19, responding to the COVID-19 pandemic and delivering essential services. Large orders for papers will disrupt that essential work by diverting key public servants from their work that protects the community. Large orders unnecessarily put public servants who handle the paper and cardboard that is delivered to DPC and to the Parliament at risk. Responding to an order for papers requires staff within DPC and agencies who would otherwise be working from home as required under the public health orders to travel to an office, prepare responses, arrange printing, brief their secretary or chief executive and arrange delivery drivers. The administrative burden imposed by those orders is compounded by the fact that many have been unnecessarily broad in scope.

Most orders require agencies to produce "all documents relating to" a subject matter, even in circumstances where members have acknowledged in Parliament that they are only interested in one or two specific documents. In most cases orders are directed to multiple agencies rather than the responsible Minister and relevant agency that is likely to hold the relevant documents, duplicating effort and costs across the Government. The common law power of this House to compel the production of State papers is an extraordinary one. It should be exercised with the utmost care and restraint following careful assessment by members of the significance and relevance of the documents for parliamentary proceedings. It should not be used to conduct fishing expeditions or divert scarce resources away from programs and services that help the people of New South Wales. [*Time expired.*]

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

The Hon. ADAM SEARLE (20:01:35): I move:

That the motion be amended as follows:

- (1) Omit "2015" and insert instead "2019".
- (2) Insert "for projects over \$10 million" after "the procurement of goods and services".
- (3) Omit "14 days" and insert instead "35 days".

I speak to the amendment and to the motion, as proposed to be amended, that has been developed by my colleague the Hon. John Graham in consultation with the Government and others. Labor considers that the proposed amendment to the original motion makes sensible changes to the scope of documents sought to be produced under Standing Order 52. We do not resile from the function of this House as a House of review or from the exercise of its power to compel the production of those documents. However, we do understand and accept some of the force of the contribution made by the Leader of the House. To make the call for papers more focused and more manageable, at least in the first instance, we propose the sensible changes made by the amendment and urge members to support the amendment and the amended motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:03:04): The Government does not oppose the motion on the basis of the amendment.

The Hon. JOHN GRAHAM (20:03:38): In reply: I thank the Leader of the House for what might be characterised as an interjection, albeit a welcome one.

The Hon. Damien Tudehope: I was invited to interject.

The Hon. JOHN GRAHAM: Indeed! Following comments made in the Chamber and discussions with the Government during the dinner break, we have restricted the scope of this call for papers significantly. I believe that is appropriate. Until the Leader of the House spoke on the matter earlier, the Government had made no request to restrict the scope of the motion. Once that request was made, we worked cooperatively to do so. I hope to deal with future matters in the same manner. I address specifically a point made strongly by the Leader of the House that by providing the documents in hard copy, government employees were somehow at risk during the COVID period. If that is the Government's genuine view, it should move immediately to electronic production as suggested in this Chamber.

I say to the Leader of the House that I have participated in negotiations on returns with senior public servants—I will not name the return or the public servants—who have been visibly relieved on learning that it might be possible to provide documents electronically. I presume that is not the view that is being put in the Office of the General Counsel of the Department of Premier and Cabinet or at some point in the Government process. If the Leader of the House is now saying that public servants are at risk during the COVID pandemic as a result of the policy of hard copy document production, which his Government and certainly Labor governments have followed in the past, I say that we are operating in a new era in which electronic production should be possible. We should adopt that policy immediately if what the Leader of the House has said is, in fact, the case. Having said that, I welcome his interjection and I thank members for supporting the motion.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Hon. John Graham has moved a motion to which the Hon. Adam Searle has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

Bills

CRIMES AMENDMENT (ZOE'S LAW) BILL 2019

Second Reading Debate

Debate resumed from 26 August 2020.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:08:00): The Crimes Amendment (Zoe's Law) Bill 2019 has a long history in this place. In earlier debate on the bill in the Chamber, the Hon. Trevor Khan outlined that history. Although the member's views on the bill may not align entirely with mine, he articulated well the long history of debate on the bill in this place and in the other place. The bill has extraordinary merit and a decision must be made about it by the Parliament of the State. The issues raised by the bill need to be addressed by Parliament and I will articulate that position in my contribution. The bill was introduced by Reverend the Hon. Fred Nile to amend the Crimes Act 1900 to establish a separate offence for conduct causing serious harm to, or the destruction of, an unborn child and to extend the offence of dangerous driving causing death or grievous bodily harm to dangerous driving causing the destruction of, or serious harm to, an unborn child. Last Christmas Brodie Donegan tweeted:

This Christmas marked 10 years since we lost Zoe and 10 years that we have been fighting to recognise that her loss was separate to my injuries and impacted the whole family.

It has been 10 years since we first started to debate this issue. I acknowledge the efforts of Ms Donegan's former local member for The Entrance Chris Spence in introducing and securing the passage through the other place of an earlier bill also named in memory of her daughter Zoe. I appreciate the efforts of Reverend the Hon. Fred Nile to keep a focus on this issue and remind us of the gap in our criminal law and the pressing need for an amending bill to address it. Just six months ago another dangerous driver ended two lives in a road accident in Inverell, killing her 20-year-old female passenger and that young woman's 32-week-old unborn child. The driver was charged with eight offences but none of them addressed the death of the unborn child.

Assaults on pregnant women are reprehensible and, sadly, far from rare. Just this week the Parramatta District Court heard a case of assault occasioning actual bodily harm involving a vicious attack in November 2019 by a stranger on 32-year-old Rana Elasmara, who was 38 weeks pregnant at the time. Yesterday Ms Elasmara told the court that she deliberately turned her abdomen away from her attacker and prayed for God to protect her child. "If nobody intervened, I could have been killed," she said. "I remember thinking, 'Hit my head as long as you don't touch my baby.'" The accused in this case has not been charged with any offence related to his reckless disregard for the life of the 38-week-old unborn child because there is no such offence in our criminal law.

On 1 May 2018 a 26-year-old woman viciously attacked a pregnant woman despite the victim stating that she was pregnant. The offender said, "I don't give a fuck, your face isn't pregnant." She punched the pregnant woman in the nose, causing bleeding, pain and swelling, and then in the right eye causing her to fall to the ground. In May 2019, 26-year-old Alexa Cojanu was 30 weeks pregnant when she was viciously attacked by a 28-year-old woman she had never met. She was punched in the head and had her head slammed into a metal power pole. She clutched her belly and staggered onto a busy road. Fortunately, two passers-by intervened to assist her before more harm was done.

Imagine the grief of those women—or any other mother—if such vicious actions had resulted in the death of their unborn child and no adequate penalty was imposed because there is no offence for causing the death of an unborn child in our criminal law. Opposition to Zoe's law has been largely driven by concerns—real or imaginary—that it may have some impact on the law of abortion in New South Wales. Because of those concerns and because the Coalition parties have always treated abortion as a matter for which members have a conscience vote, the earlier bill sponsored by the then member for The Entrance, Chris Spence, passed. Nearly seven years ago on 21 November 2013 the Crimes Amendment (Zoe's Law) Bill 2013 (No. 2) passed in the other place by a decisive vote of 63 to 26. The size of that vote was influenced in part by an amendment moved by the member for Cronulla, which was designed to put beyond doubt that the new offences did not apply to a lawful abortion. At the time that was seen as necessary for those who favoured the lawfulness of abortion because it depended on a judicial interpretation of the common law.

Abortion has been debated by this Parliament recently. The legalisation of abortion under the Abortion Law Reform Act 2019 removes any legitimate concern that Zoe's law would alter the lawfulness of abortion. My position on abortion is well known; however, those who took the opposite view defend their position as necessary to allow women—or, as Ms Abigail Boyd would have it, pregnant persons—to exercise a personal choice to end the life of their unborn child. Zoe's law does not seek to address those circumstances. Rather, it addresses circumstances where there is an assault or other conduct where an offender is reckless about causing serious harm to any person. It also addresses the scope of the dangerous driving offence. The bill defines an unborn child as the "prenatal offspring of a woman". Suggestions that the offence should only apply to an unborn child after it has attained a certain gestational age are, in my view, misconceived. Such a limitation on the offence could invite an assault on a pregnant woman by her partner specifically designed to ensure the destruction of the unborn child before it reaches the statutory gestational age.

The loss of an unborn child, whether by natural miscarriage or by deliberate or negligent assault, may be experienced as a profound loss by the mother and other relatives such as the father, grandparents and siblings. Members are aware that regularly in this place we have debates on the impact of miscarriages on women. In many respects the bill acknowledges the level of grief women experience after a miscarriage. I know from personal experience the level of grief miscarriage causes mothers. Cases of such profound loss caused by deliberate or negligent acts cry out for an appropriate penalty to be imposed on perpetrators of this outrage against justice. Amendments to the criminal law need to be drafted carefully to ensure that they fit appropriately in the whole scheme of the Crimes Act. In particular, provisions in the bill that were drafted before the passage of the Abortion Law Reform Act 2019 that were designed to allay the real or imaginary concerns of supporters of an unfettered right to lawful abortion may need to be reconsidered in light of that significant change to the law in New South Wales.

Accordingly, the Government does not support the bill. However, I am pleased to inform the House of the Government's support for the principle of the bill and the introduction of a Government bill to remedy this glaring gap in the criminal law of New South Wales to see justice done for unborn children and their families who are the victims of assaults, dangerous driving and other negligent acts resulting in serious harm to, or the destruction of, an unborn child. It grieves me in one sense to not be able to say that I unequivocally support the bill. However, I have an undertaking that there is an opportunity for the Government to introduce a bill to remedy the situation. I say to Reverend the Hon. Fred Nile that it should never be interpreted that people who do not support his bill do not support the principles that the bill stands for.

I, for one, am loath to say that this bill should not be supported tonight. We have gone through a significant debate in relation to abortion and criminal law reform, and it is no longer an offence in this State despite my position in relation to lawful abortion. However, this is a different issue. We ought to support mothers who lose their unborn children as a result of criminal acts, and recognise the impact on them and the fact that an unborn child has been destroyed by another person as a result of such acts. It would be an appalling negligence not to remedy this gap in the law.

Although the Government is not necessarily supporting the bill moved tonight by Reverend the Hon. Fred Nile, there is an obligation on it to introduce a bill which recognises the provisions of lawful abortion in this State and to make sure that we embrace the principle. The substance of this bill is alive and should be supported, although we say the bill is inadequate and should, in those circumstances, be the subject of further amendment by the Attorney General in bringing forward his own bill in relation to the subject matter of this bill. This is an issue which cries out to be resolved and we ought to make sure tonight that it is resolved and that we recognise that the destruction of a woman's unborn child as a result of a criminal act is an offence.

Debate adjourned.

Documents

ICARE

Return to Order

The CLERK: According to resolution of the House of 26 August 2020, I table documents relating to an order for papers regarding the administration of Insurance and Care NSW received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

AUSTRALIAN NATIONAL BABOON COLONY**Return to Order**

The CLERK: According to resolution of the House of 5 August 2020, I table additional documents relating to the Australian National Baboon Colony at Wallacia received this day from the Secretary of the Department of Premier and Cabinet, together with an explanation as to the status of the documents provided.

*Motions***TRIBUTE TO ORDINARY SEAMAN EDWARD "TEDDY" SHEEAN, VC**

The Hon. LOU AMATO: I move:

That private members' business item No. 683 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. LOU AMATO (20:23:43): I move:

- (1) That this House notes:
 - (a) the heroic deeds of Ordinary Seaman Edward "Teddy" Sheean, VC, who was killed in action on 1 December 1942 aged 18 years;
 - (b) that Teddy Sheean was twice wounded when the HMAS *Armidale* was under attack from Japanese aircraft fire;
 - (c) that Teddy Sheean was given the opportunity to board a life raft as the HMAS *Armidale* was sinking, but sacrificed his own life to assist in the successful escape of his fellow crew members;
 - (d) that whilst his fellow crew members were escaping in lifeboats, Teddy Sheean managed to crawl to the aft of the HMAS *Armidale* and began firing on approaching Japanese aircraft with an Oerlikon 20 millimetre canon;
 - (e) that Teddy Sheean successfully shot down one Japanese aircraft and damaged two others; and
 - (f) that Teddy Sheean went down with his ship, the HMAS *Armidale*.
- (2) That this House acknowledges the:
 - (a) incredible valour of Ordinary Seaman, Teddy Sheean, VC; and
 - (b) bravery and sacrifice of all those who served their country in times of war.
- (3) That this House posthumously thanks Ordinary Seaman, Teddy Sheean, VC, for his great sacrifice, loyalty and bravery to his fellow crew members whilst under attack.

I will begin by reading a statement by Ordinary Seaman Russel Caro, a survivor from the sinking of the HMAS *Armidale* by Japanese torpedo bombers on 1 December 1942:

Teddy died, but none of us who survived, I am sure, will ever forget his gallant deed ... When the order to abandon ship was given, he made for the side, only to be hit twice by the bullets of an attacking Zero. None of us will ever know what made him do it, but he went back to his gun, strapped himself in, and brought down a Jap plane, still firing as he disappeared beneath the waves.

The brave man who continued to fire his gun as he disappeared beneath waves on his sinking ship was Ordinary Seaman Edward "Teddy" Sheean. Like many of us, I had not heard the story of Teddy Sheean until it was recently reported that Her Majesty Queen Elizabeth II had agreed to the posthumous awarding of the Victoria Cross to Teddy for his valour. We often hear of brave souls who sacrifice their lives so that others may live. We are all truly inspired by the accounts of those brave individuals as they embody the very finest qualities of humanity. Their stories move us to question our own lives and values. We wonder if we too are made of the same fibre as the brave ones. Not many of us are, and I suppose that is why the granting of the Victoria Cross is awarded to the rarest of individuals and only after intense scrutiny.

Teddy Sheean was one of the rarest of individuals who freely chose death so his shipmates could live. He was born on 28 December 1923 in Lower Barrington, Tasmania, and was the youngest of 14 children to James and Mary Jane Sheean. After leaving school, Teddy worked on several farms in the vicinity of Latrobe. After war broke out in 1939, Teddy followed in the footsteps of his five brothers by enlisting in the Royal Australian Naval Reserve on 21 April 1941. On 31 May 1942 Teddy was assigned to the newly commissioned Bathurst-class corvette, HMAS *Armidale*, as an Oerlikon anti-aircraft gun loader. On 30 November 1942 the HMAS *Armidale* and HMAS *Castlemaine* came under Japanese aerial attack whilst on mission to Betano, East Timor. The initial attack was by a single Japanese aircraft, which dropped several bombs, each missing both vessels. Continuing their voyage, both ships were attacked twice more by enemy aircraft, suffering no damage or casualties.

On 1 December 1942, at approximately 1300 hours, HMAS *Armidale* was again attacked by five Japanese bombers but was undamaged as the bombers missed their target. Fifty-eight minutes later *Armidale* reported that she was being attacked by nine bombers and four Japanese fighter aircraft. *Armidale* took evasive action to escape

the enemy aircraft; however, a little over an hour later the ship was struck by two air-launched torpedoes, causing the ship to list sharply to port. The order to abandon ship was given and the crew began jumping into the cold sea.

The youngest crew member of the *Armidale*, 18-year-old Ordinary Seaman Teddy Sheean assisted in the release of lifeboats for his crewmates who were stranded in the ocean. Japanese aircraft began to strafe survivors in the water with machine-gun fire. Instead of abandoning ship, Teddy ran to his Oerlikon 20-millimetre anti-aircraft cannon. On his way to the Oerlikon, Teddy was hit twice by Japanese aircraft machine-gun fire. Seriously wounded, Teddy strapped himself into his gun and fired at approaching Japanese aircraft. Teddy damaged two enemy aircraft and shot down another. Teddy did not stop firing his gun, even as he was consumed by the sea; tracer bullet rounds could be seen rising from beneath the waves as the *Armidale* sank to the depths. Teddy saved the lives of 49 crewmates.

Today a Collins-class submarine, the HMAS *Sheean*, is named after Teddy. The Royal Australian Navy has decreed that an active Australian naval vessel must always bear the name Sheean. The HMAS *Sheean* is the only Australian naval vessel bearing the name of an ordinary seaman. Ordinary Seaman Edward "Teddy" Sheean, VC, we thank you for your valour and the example that you have given us. At the going down of the sun and in the morning, we will remember you. God bless.

The Hon. TARA MORIARTY (20:28:50): On behalf of the Opposition, I indicate our support for this motion. Teddy Sheean may have been an ordinary seaman, but his sacrifice for his country and fellow crew members on 1 December 1942 was remarkable. His act of bravery was told by many as the true devotion of duty to his country. We are pleased that, following a 40-year campaign to recognise his heroic efforts, on 12 August 2020 Teddy was awarded the highest military honour in Australia, the Victoria Cross, for his actions some 78 years ago. Teddy is the 101st Australian to be awarded the Victoria Cross since 1900 and the twenty-first to be awarded it since World War II. He served in the Royal Australian Navy in World War II, joining the Royal Australian Naval Reserve in 1942. Teddy was stationed as an anti-aircraft gunner on the HMAS *Armidale* and was on the ship in November 1942 as it embarked on a resupply and evacuation mission to Timor. In the course of its travel, the ship was hit by Japanese aircraft.

At the age of 18, Teddy Sheean was twice wounded when the HMAS *Armidale* was under attack from Japanese aircraft fire. He was given the opportunity to board a life raft as the ship was sinking, but he sacrificed his own life to assist in the successful escape of his fellow crewmen. In an amazing effort, while his fellow crewmen were escaping in lifeboats, Teddy managed to crawl to the aft of the ship and began firing on approaching Japanese aircraft with a cannon. He successfully shot down one Japanese aircraft and damaged two others. Following his heroic effort saving the lives of others, Teddy went down with his ship. He sacrificed his life to save his crew members. Teddy's bravery will be forever remembered through the awarding of the Victoria Cross. We thank Ordinary Seaman Edward "Teddy" Sheean, VC, for his great sacrifice, loyalty and bravery to his fellow crew members while under attack. He is a most deserved Victoria Cross recipient. We thank all those who served our country for their bravery and sacrifice. Lest we forget.

Reverend the Hon. FRED NILE (20:31:18): I thank the Hon. Lou Amato for moving this motion. It not only gives us the opportunity to speak but also allows the bravery of Teddy Sheean to become part of our Parliament's historical record. If in the future people look up his name in *Hansard*, they will see the various speeches acknowledging his bravery and his courage. As the Hon. Lou Amato has indicated, we are acknowledging the heroic deeds of not an officer, a general or admiral but an ordinary seaman. We thank God for Edward "Teddy" Sheean, who was awarded the Victoria Cross, our highest award, for his actions on 1 December 1942 when he was only 18 years old.

Teddy Sheean was twice wounded when the HMAS *Armidale* was under attack from Japanese aircraft fire. The Japanese were obviously very keen to sink the ship, as they had already sunk other ships with their superior number of aircraft, both fighters and bombers. Teddy Sheean was given the opportunity to board a life raft as the ship was sinking, but he chose to sacrifice his own life to assist the successful escape of his fellow crewmen. He went to a lot of trouble to help his fellow crewmen escape in lifeboats. As an 18-year-old, he voluntarily chose to crawl to the aft of the HMAS *Armidale*—no-one gave him an order—and take over the operation of the 20-millimetre cannon. He began firing at the approaching Japanese aircraft, which were anxious to sink the ship completely. Obviously, it was seriously damaged and finally did sink, but Teddy Sheean successfully shot down one Japanese aircraft and damaged two others. They were probably shocked and wondered who was still firing at them from a sinking ship.

Teddy Sheean continued firing from his ship as it was sinking. The eyewitnesses who had survived—and some of those survived because of Teddy Sheean's bravery—said that the gun cannon was still firing under the ocean and shells were still coming up from the sea. He put aside his own safety and future as he continued to operate that cannon on behalf of his shipmates to do what he could to still save the HMAS *Armidale*. We acknowledge the bravery and sacrifice of all those who have served our country in times of war. I fully support

the third part of this motion that the House posthumously thank Ordinary Seaman Teddy Sheean, VC, for his great sacrifice, loyalty and bravery to his fellow crew members while under attack. I am very pleased to support the motion moved by the Hon. Lou Amato.

The Hon. WES FANG (20:35:54): I support the motion brought by the Hon. Lou Amato. I have heard the term "ordinary seaman" mentioned a few times today. There was nothing ordinary at all about Teddy Sheean and what he did. When he saw his crewmates in the water scrambling to get to the life rafts and being strafed by the aircraft above that were picking them off one by one—having assisted to free a life raft and having had the opportunity to get into the life raft when he was injured by air fire—he took himself to the cannon, strapped himself in and sacrificed himself in order to protect his crewmates. I know members of all different persuasions will have perhaps served in the forces or in the emergency services. I think those who have served in whatever capacity will understand that when you work closely with a group of people—and I speak from my own experience in the military—you gain an esprit de corps with your fellow crewmates or classmates through that time.

The Hon. Lou Amato: Mateship.

The Hon. WES FANG: I will acknowledge that interjection from the Hon. Lou Amato. Esprit de corps is the French term, but, yes, in Australia we would say mateship. I can understand what was going through Teddy Sheean's mind at the time because I know that I still chat with my course mates 20 years later. We can go months without seeing each other, but I know that those mates have been there for each other—and some of us have been through a pretty tough time of late, myself included. We have lost some mates along the way, but I know that they are there for me. I say well done to Teddy Sheean—who is remembered as Teddy Sheean, VC, now—for what he did to protect not only his mates but also the values of the Australian Defence Force that continue today.

The Hon. NATASHA MACLAREN-JONES (20:39:16): I support the motion moved by the Hon. Lou Amato, which rightly honours the outstanding service, dedication and sacrifice of Ordinary Seaman Edward "Teddy" Sheean. I also outline how we came to honour Teddy. Receiving a Victoria Cross award is a significant achievement and, traditionally, to receive one retrospectively is exceptionally rare. As the Prime Minister stated recently, it is awarded "only in light of compelling new evidence or if there was evidence of significant maladministration". In this case, there was conflicting advice between the 2013 inquiry into unresolved recognition for past acts of naval and military gallantry and valour, and the 2019 review of the Defence Honours and Awards Appeals Tribunal. That led the Prime Minister to commission an expert panel to provide further advice. The Prime Minister stated:

Overturning a decision relating to a Victoria Cross nearly 80 years later requires compelling reasons.

Teddy Sheean proved to be an extraordinary Australian. At 18 years of age, with less than two years of navy experience and under attack from Japanese aircraft, he sacrificed his life aboard HMAS *Armidale* to save the lives of his shipmates. His actions during that battle off the coast of Timor have made him worthy of the Victoria Cross. I also note that Sheean is the first Royal Australian Navy Victoria Cross recipient. Teddy Sheean was born in Barrington, Tasmania. He enlisted in the Royal Australian Naval Reserve in 1941. Following his training, he was posted to Sydney where he was billeted in the requisitioned ferry *Kuttabul*. On 31 May 1942 *Kuttabul* was sunk by Japanese midget submarines in Sydney Harbour whilst Sheean was on leave. When Sheean returned from leave, he was posted to the newly commissioned minesweeper HMAS *Armidale* as an anti-aircraft gunner.

In October 1942 HMAS *Armidale* was ordered to sail to Darwin before she would undertake her last operation. On 29 November 1942 *Armidale* sailed with HMAS *Castlemaine* to Japanese-occupied Timor to conduct an evacuation and resupply mission. On 1 December 1942 HMAS *Armidale* came under heavy attack by no less than 13 aircraft. During the battle, she was struck by two torpedos and began to sink, leading to the order to abandon ship. A wounded Sheean helped launch life rafts for his shipmates as Japanese planes attacked his fellow shipmates who floundered in the water. Rather than abandon ship, he strapped himself to his gun and opened fire. He shot down two planes and was still firing as he began to sink beneath the waves. His shipmates remarked that they could see tracer coming from beneath the surface. The motto of the HMAS *Armidale* was "Fight On"; Teddy truly fought to the very end. Of the 149 men on board, sadly only 49 survived the attack.

The Hon. SCOTT FARLOW (20:42:24): I support the motion moved by the Hon. Lou Amato and I commend him for it. Edward "Teddy" Sheean was born on 28 December 1923 in Lower Barrington, Tasmania. He was the fourteenth child of his parents, James and Mary Jane Sheean. On 21 April 1941 Sheean enlisted in the Royal Australian Navy Reserve in Hobart as an ordinary seaman—though there was nothing ordinary about him, as the Hon. Wes Fang outlined—following in the footsteps of five of his brothers, four of whom were in the army and one in the navy. In May 1942 Sheean was posted to Sydney, where he was billeted at Garden Island on the ferry *Kuttabul*. On 31 May 1942 Sheean was on home leave when the Japanese midget submarines raided the harbour and sank the *Kuttabul*. He helped commission the corvette HMAS *Armidale*, which carried out escort duties along the eastern Australian coast and in New Guinea waters.

On 29 November 1942 *Armidale* set sail for Japanese-occupied Timor to assist in troop withdrawal. After transferring people to the HMAS *Castlemaine*, the ship set sail for Darwin with the HMAS *Kuru*. Both ships came under repeated attack from Japanese aircraft and the *Armidale* was separated from the *Kuru*. The *Armidale* was attacked by at least 13 Japanese aircraft. A torpedo struck the port side, another hit the engineering spaces and a bomb struck the aft. The *Armidale* listed heavily to port and the order was given to abandon ship. Survivors leapt into the sea and were machine-gunned by Japanese aircraft. Wounded in his chest and back, Sheean helped free a life raft and then returned to his gun. He shot down one bomber, kept other aircraft away from survivors in the water and was seen still firing his gun as the *Armidale* slipped under the water. He was mentioned in dispatches for bravery.

In 1999 Collins-class submarine HMAS *Sheean* was named after him. It was the only ship in the Royal Australian Navy to be named after a sailor. In 2020 an expert panel recommended that Ordinary Seaman Sheean's selfless actions be recognised with the Victoria Cross award. On 12 August 2020 Governor-General His Excellency General the Honourable David Hurley, AC, DSC, announced that Queen Elizabeth II had approved a posthumous award of the Victoria Cross to Ordinary Seaman Sheean, making him the first member of the Royal Australian Navy to be awarded Australia's highest honour for valour. What an appropriate award it was. I commend the Hon. Lou Amato for bringing the life of Teddy Sheean, VC, to the Chamber and I commend Teddy Sheean and all who serve in our military. Lest we forget.

The Hon. TAYLOR MARTIN (20:45:21): I join other members to acknowledge the posthumous Victoria Cross awarded to Teddy Sheean. The award states:

For the most conspicuous gallantry and a pre-eminent act of valour in the presence of the enemy during a Japanese aerial attack on HMAS *Armidale* in the Timor Sea on 1 December 1942.

Teddy Sheean was born in Barrington, Tasmania in 1923. He enlisted in the Royal Australian Navy Reserve in 1941 at just 17 years of age. He was posted to Sydney in May 1942 and billeted on the ferry *Kuttabul*. He was on home leave when that ship was sunk during the Japanese midget submarine attack on Sydney Harbour just a short distance from here. In June 1942 he began his service as an Oerlikon anti-aircraft gunner on the newly commissioned Bathurst-class corvette, HMAS *Armidale*. On 29 November 1942 the ship departed Darwin for what would be its final mission to undertake a resupply and evacuation mission to Japanese-occupied Timor.

The ship was spotted by Japanese aircraft almost immediately. The following day it was attacked in two waves by Japanese aircraft, though it remained undamaged. The ship missed a rendezvous in Betano Bay that day and was ordered to try again the following day. That meant that the *Armidale* faced a long day in enemy waters and further attack was almost certain. On 1 December the *Armidale* was hit by two aircraft-launched torpedoes and began to sink fast, resulting in the order to abandon ship. The *Historic Victoria Cross Report of the Expert Panel*, commissioned by the Prime Minister and published earlier this year, stated:

Sheean, having received the order to abandon ship, made his way to the ship's side and assisted Able Seaman Edward Keith 'Ted' Pellett to release the ship's motor-boat. He could, like Pellett, have survived. Instead, Sheean rejected the opportunity offered by the relative safety of the motor-boat and returned to his action station at the aft Oerlikon. He made this choice in an attempt to disrupt the Japanese aircraft that were strafing both the ship and his shipmates in the water. Sheean made a conscious choice to fight the enemy and protect his shipmates rather than seek an opportunity to survive.

The report found new evidence to support the higher recognition for Teddy Sheean and a substantial injustice as a result of maladministration by omission. I thank the Hon. Lou Amato for moving the motion before the House. I congratulate the historic Victoria Cross expert panel and the Prime Minister on making the decision to award the Victoria Cross to Sheean and for ensuring the integrity of the Victoria Cross.

The Hon. LOU AMATO (20:48:23): In reply: I thank the Hon. Tara Moriarty, Reverend the Hon. Fred Nile, the Hon. Wes Fang, the Hon. Natasha Maclaren-Jones, the Hon. Scott Farlow and the Hon. Taylor Martin for their contributions to the motion on Teddy Sheean, VC. We are all pleased that Teddy finally received the recognition that he most rightfully deserved, the Victoria Cross for Australia, which is the highest award for valour. Teddy certainly deserved nothing less. We also congratulate the Royal Australian Navy, as it is its first Victoria Cross for Australia. During a speech in honour of Teddy after Her Majesty approved the awarding of the Victoria Cross for Australia, Vice Admiral Michael Noonan stated that Teddy was a role model for all those serving in the Royal Australian Navy. Our dedicated men and women in the Royal Australian Navy aspire to serve our country with the same integrity and commitment as Teddy.

Teddy is without a doubt a role model for us all. In our great country our most cherished quality is mateship. There has always been a certain romance associated with the word "mateship". I use the word "romance" because we really cannot describe in words what mateship means. Words fall somewhat short and we do not possess a tangible definition. Mateship is not words but actions. Though we may have difficulty in defining "mateship", we all know what it is when we witness it in action. We know it when we hear stories of those who lived it, and, indeed, cherished it above their own lives.

Teddy Sheean, VC, knew what mateship was. Teddy, like all of us, may not have been able to pen a precise definition of "mateship". He just knew in his heart what it was. When the time came, he lived it and died for it. I again thank Edward "Teddy" Sheean, VC, for the example that he has given us. I thank his mother, father and siblings for the great sacrifice that they endured in losing their beloved Teddy. I thank all those who gave their lives in mateship so that others may live. I hope that we too are blessed with the same courage that springs forth from mateship; that we as a nation always remain united; and when the road ahead is difficult, as it presently is, we bow our heads and think of Teddy Sheean, VC, even if just for a moment.

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

Motion agreed to.

Documents

GREYHOUND RACING INDUSTRY

Production of Documents: Order

The Hon. MARK PEARSON: I move:

That private members' business item No. 581 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK PEARSON (20:51:47): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Office of the Greyhound Welfare and Integrity Commission or Greyhound Racing NSW relating to video footage of greyhound races:

- (a) all video footage of the following races held at Maitland Greyhounds, Bloomfield Street, Maitland on 27 April 2020:
 - (i) Race 3 run on the 4th/5th Grade 450m at 6.40 p.m.;
 - (ii) Race 4 run on the Non Graded 400m at 7.02 p.m.;
 - (iii) Race 5 run on the 5th Grade 565m at 7.18 p.m.; and
 - (iv) Race 6 run on the 5th Grade 400m at 7.35 p.m.
- (b) all video footage of Race 5 Ladbrokes Maiden Final 400m held at the Gardens Greyhound and Sporting Complex, 104 Sandgate Road, Birmingham Gardens, on 15 May 2020 at 5.02 p.m.;
- (c) all documents relating to the removal of video footage from Dogs.com.au of races held at Maitland Greyhounds, Bloomfield Street, Maitland on 27 April 2020 or at the Gardens Greyhound and Sporting Complex, 104 Sandgate Road, Birmingham Gardens on 15 May 2020; 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.

In June I stood in the Chamber and called for the release of video footage and documents relating to five greyhound races that occurred in New South Wales in April and May this year. Four of those races took place on the same day in Maitland and resulted in the deaths of two dogs, Sketchy Daly and Kiarni Devil. The fifth race took place at The Gardens in Newcastle and resulted in the death of Coniglio, who was found to have sustained severe lacerations along the length of his sternum. It is claimed that that occurred because of a failure to adequately maintain the lure used in the race. Video footage of that event was either never uploaded or removed immediately from the Greyhound Racing NSW website.

My call for papers was not backed by the Government, which means we still do not know what happened during those races to Sketchy Daly, Kiarni Devil and Coniglio. What we do know is that this year in Australia there have been 144 track-related greyhound deaths and over 6,400 injuries. New South Wales accounts for 32 of those deaths and close to 1,800 of the injuries, of which 326 were considered major or catastrophic injuries. Yet, statistics and mandated stewards' reports written in impassive language tell us only so much. One hundred deaths written as a statistic is not nearly as powerful as a single death seen and heard. Perhaps that is why Greyhound Racing NSW publishes video footage of every race on its website, except those that contain major incidents. Curiously, however, one video seems to have made it through the cracks over the weekend.

Last Saturday, 12 September, three greyhounds collided and fell at a race at Wentworth Park. While the race replay was either deleted or simply never uploaded to the Greyhound Racing NSW website, the incident can still be seen in a highlights reel. As of today, 16 September, that video is still available for public viewing. The video appears to show a dog fall suddenly at high speed, tripping other dogs and causing another one to become airborne. Within seconds, the camera pans away from the three injured dogs. According to the Greyhound Welfare

and Integrity Commission stewards' report, one greyhound named High Expectation failed to finish the race, suffered a fractured shoulder, and will not be allowed to race for 60 days. No further details have been given.

A three-dog collision, a fractured shoulder and an airborne dog: If that is the sort of footage Greyhound Racing NSW keeps on its website, I can only imagine the footage it deletes or fails to upload in the first place. That is why it is so important to demand transparency from Greyhound Racing NSW, and why I am returning to the Chamber to call for the footage in question. Almost four years after the New South Wales Government backflipped on its decision to ban the sport, and thereafter promised to clean up the industry, fatal races are still monthly occurrences. Time and time again the evidence is buried. This is a matter of not just transparency but also justice for Sketchy Daly, Kiarni Devil, Coniglio, High Expectation and every other dog injured and killed by the unnecessary industry.

The dogs' suffering should not be silenced and the circumstances of their deaths should not be censored. That is why I am calling on the release of all documents, including video vision, related to the greyhound races in question. I ask the House to note that this is a call for video footage and documents from Greyhound Racing NSW. It causes no burden to the New South Wales Government and the departments. The burden is solely on the shoulders of Greyhound Racing NSW. Therefore, I call on the Government to support this motion.

The Hon. SCOTT FARLOW (20:56:42): The comments made by the Hon. Mark Pearson at the end of his contribution are largely why the Government opposes his motion. Respectfully, it is not the role of the House to collect racing footage for members of Parliament of any party. The Legislative Council has the power to order the production of State papers by the Executive Government. The basis of that power is the common law principle that the Houses of Parliament possess such inherent powers as are reasonably necessary for their effective functioning. Those powers assist the Legislative Council to fulfil its functions of making laws and, of course, holding the Government to account. The call for papers under Standing Order 52 does not relate to actions of a Minister's office, nor does it relate to a government agency or a specific policy that is enacted by the New South Wales Government.

It is important to note that while the Greyhound Welfare Integrity Commission is a New South Wales government agency, the Maitland Greyhound Racing Track is operated by the Greyhound Breeders, Owners & Trainers' Association, which holds a commercial arrangement with Greyhound Racing NSW for the purpose of holding and televising greyhound races. The Greyhound Welfare Integrity Commission is not a commercial partner in those arrangements. The motion before us would establish a precedent for this House to compel independent commercial bodies to provide video footage covered by a commercial agreement. I note in the motion that a website referred to is dogs.com.au, of which I am not sure of the owner. I can assure the member that it is not owned by the New South Wales Government.

I strongly caution the House from setting such a wide precedent. Greyhound races are televised and there are alternative mechanisms for members to pursue or request the footage from races. May I suggest to the honourable member, and any other members, that they might speak to the broadcaster, in this case Sky Racing, and ask to purchase a copy of the video? For future race meetings, they could purchase a subscription to Sky or Foxtel, whoever may cover it. It may also be an option for the member to look through media monitoring and Mediaportal services, which are provided to the Parliament as well. It is the opinion of the Government that the House should oppose this motion. I encourage all members to reject the motion and to not set such a wide precedent.

The Hon. MARK LATHAM (20:59:13): There are several reasons that members of Parliament might want to look at racing footage. The first is that some of us have done our money on racing, be it greyhounds, trots or gallops. The second reason, which has been raised by the Animal Justice Party and as the Hon. Scott Farlow has pointed out, is that this is publicly available material. You have only got to set your Foxtel recorder to Sky Racing 1 and you will see every greyhound race that is conducted and it can be monitored that way. So it seems to be an unusual use of Standing Order 52 to look up material that could have been recorded by the member or the many people who are dedicated to animal welfare and monitoring the greyhound industry. It seems to be an overreach of this particular standing order, that material available on Sky Racing 1 can be recorded. I assume greyhounds are racing somewhere—it would have been at Bulli last night and whatever the track is tonight—and it can be recorded and watched.

If you did not back the winner and are just interested in animal welfare, that is a legitimate reason to replay it, monitor it and raise issues as a parliamentarian. So I have to agree with the Government representative who has made this point. The other point made by the Hon. Mark Pearson is that he already seems to have a pretty good account of what happened to Sketchy Daly and other dogs. The death of any greyhound is a very sad event and it is recorded in the steward's report. I can assure the House that the Greyhound Welfare and Integrity Commission is not lax in monitoring the industry; it is as over the top as any authority could be. So, again, it does not point to the need for confirming a Standing Order 52 request; we have already got plenty of those.

The other point about monitoring greyhound racing is that while the death of any dog is a sad event, one has to factor in the human element. When the Baird Government banned the greyhound industry you could feel the hope come out of the lives of so many working people who have got nothing more than the hope that they have got to have the next Zoom Top. You can frown on this, you can look down on it and you can snigger about it, but for working people who might be living on an acre block out in the suburbs or in the regions who have got a couple of dogs and they walk them every afternoon and train them, and for people who have not got a lot, hope is an important thing. We are talking about men predominantly. We know the extent of the male suicide rate and mental health issues in Australia, and giving hope to people is important.

Greyhound racing has been a noble working-class pursuit in this State for nearly a century now; people race their dogs and have a bit of hope in life. I think that human dimension cannot be ignored. I believe that human welfare, on balance, is more important than animal welfare and I know in this industry that if the people participating have got hope in their life they have got a bit of a future, and that is a very important consideration for any compassionate Parliament.

The Hon. PENNY SHARPE (21:02:25): Labor will be supporting this call for papers. I have listened very closely and I accept that this is an unorthodox call for papers. Many members in this House are very familiar with the debate that happened over the last few years and people would know that Labor did not support the banning of greyhound racing. Very significant issues of animal welfare were raised and a lot of promises were made by the Government around the establishment of the Greyhound Welfare and Integrity Commission and a lot of promises were given by Greyhound Racing NSW in relation to how it would look after the welfare of the dogs.

Labor is very comfortable supporting this motion because this is not just a matter of the Hon. Mark Pearson, a very sincere member, waiting around and recording every greyhound race. He has got concerns about some particular races, and with the level of his concerns it would have come to the attention of the Greyhound Welfare and Integrity Commission or Greyhound Racing NSW. This Standing Order 52 application is asking if they are in possession of the video footage; it is not asking for other organisations to provide it, which would be well outside the scope of Standing Order 52 and the power of this House. However, I believe that the concerns that are raised by the Hon. Mark Pearson are reasonable, particularly given the history of the debate, discussion and concern around the welfare of dogs. This is not an unreasonable call for papers under Standing Order 52.

If it comes down to the fact that the Greyhound Welfare and Integrity Commission does not have the footage, then it does not have the footage. But this House is entitled to ask the commission for it. The Hon. Mark Pearson is a democratically elected member for animals first and foremost and he believes that there is a problem: that these videos were available but, for reasons unknown, they have been removed. I do not believe this is an unreasonable call for papers under Standing Order 52. I accept that it is unorthodox, but I believe that it is drafted in a way that is reasonable. It is about the Greyhound Welfare and Integrity Commission and Greyhound Racing NSW, and if the House asks for the documents and they have got them, they should be able to produce them.

Ms ABIGAIL BOYD (21:05:08): The Greens will also be supporting this call for papers. The call seeks video footage of a series of races which resulted in the death of three dogs which were barely into their adulthood and injury to another dog. The footage has been inexplicably removed from the only publicly available video repository of greyhound races in New South Wales and we find that to be of great concern. Sketchy Daly, who was three years old, was killed at Maitland on 27 April after fracturing his wrists; in the next race immediately following, No Rules suffered a fractured hock and has not raced since; and during the final race at Maitland at the same track on the same day, Kiarni Devil was also killed after fracturing a leg before the races were called off. She was also only three years old. Less than a month later, Coniglio was killed at Ladbroke's The Gardens on 15 May after an horrific injury. He was only two years old and it was his second race that killed him.

The footage of all of those races, as well as the one before Sketchy Daly's fatal race, has been taken down from the website of Greyhound Racing NSW, thedogs.com.au, and have been hidden from the public eye. That is why we have got to this point where the request under Standing Order 52 is brought. I flag at this point that in order to ensure that the Standing Order 52 request can be complied with we will move an amendment to paragraph (c). I move:

That in paragraph (c) "dogs.com.au" be replaced with "thedogs.com.au".

Those dogs deserve to have their deaths recognised, acknowledged and investigated, so we support this motion under Standing Order 52.

The Hon. EMMA HURST (21:06:37): I support this Standing Order 52 request moved by my colleague the Hon. Mark Pearson. The public has a right to know about the cruelty inflicted on dogs in the greyhound racing industry. This cruelty occurs throughout the life of a greyhound from painful training methods to the end of their racing life where they are often killed as wastage once they are no longer considered useful by the industry. However, it is most starkly seen in public view when a greyhound suffers horrific injuries on the track. These

injuries are not rare. In 2020 alone there have been almost 1,800 track-related injuries in New South Wales. Approximately 300 of those were major injuries and 32 of the greyhounds died as a result of those injuries.

These are shocking statistics and the public has a right to know about the pain and suffering that is caused within this industry, which the Government allows to be inflicted on dogs for the sake of the gambling industry. The fact that the videos sought by this Standing Order 52 request, which contained footage of those injuries on the track, have been taken off the internet is a clear attempt to try and sanitise the industry for the public and to hide the brutal reality for these dogs. This is a very specific Standing Order 52 request that seeks this missing footage. I congratulate my colleague the Hon. Mark Pearson on seeking to expose this cover-up and I urge the House to support the Standing Order 52.

Reverend the Hon. FRED NILE (21:08:25): I support the contribution made by the Hon. Mark Latham and I agree with him 100 per cent. Whilst I have some sympathy, and all of us are concerned about animals being hurt or injured in any way, the Hon. Mark Pearson and his party have indicated that the reason behind this Standing Order 52 request is so they can continue their campaign to ban greyhound racing in this State. I do not support a ban on greyhound racing. I was very active in the campaign to defeat previous moves to ban greyhound racing. I was a guest speaker at protest rallies in Hyde Park even though I am totally opposed to gambling and other related activities. I see this as an activity—as the Hon. Mark Latham indicated—that many working class people in this State who cannot afford horse racing can be involved in. It is a sport and an activity from which they derive a great deal of satisfaction and enjoyment. For that reason, I do not support this motion.

The Hon. MARK PEARSON (21:09:57): In reply: I thank members for their contributions to this call for papers. I will just clarify a couple of points made by the Hon. Mark Latham and the Hon. Scott Farlow. All avenues have been exhausted to try to obtain this evidence, this documentation both in video footage and also written documentation. If it was obtainable by other means I would not be standing here. The vision has been removed and it is ludicrous to think that animal activists or other people are going to watch hours and hours of greyhound racing to see if they can find evidence of animals being harmed—that is both unworkable and unrealistic.

We know that these events occurred. The Parliament and the community have a right to see exactly what happened, how the animals suffered at a public event that has been ratified and supported by the industry. This is not some sort of private matter. The Parliament and the community have a right to see the evidence and the truth of what happened. I seek the support of all members of the House.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Hon. Mark Pearson has moved a motion, to which Ms Abigail Boyd has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended negatived.

Motions

WESTERN SYDNEY AEROTROPOLIS

The Hon. MARK LATHAM: I move:

That private members' business item No. 756 outside the order of precedence be considered in a short form format.

Motion agreed.

The Hon. MARK LATHAM (21:13:38): I move:

- (1) That this House notes the release of the final land use and infrastructure plan for the Western Sydney Aerotropolis.
- (2) That this House condemns the decision of the Government for:
 - (a) planning rail transport for Badgerys Creek Airport without a fast rail link to the centre of Sydney when the airport opens in 2026 and most likely, for many years thereafter;
 - (b) acting outside the Commonwealth Cities Deal by foreshadowing a Badgerys Creek to Parramatta metro line, most likely to be built as a priority ahead of the fast rail link through Leppington;
 - (c) in this deep economic recession, ignoring the findings of cost-benefit studies for the rail options showing the highest economic and employment yields will come from the construction of the Badgerys Creek to Leppington rail link, not the metro lines to which the Government has committed;
 - (d) proceeding with over 100 kilometres of planned metro at Badgerys Creek while downgrading the importance of the 16 kilometre Leppington fast rail link;

- (e) making the mistakes in paragraphs 2 (a) to 2 (d) above, at enormous cost to the future viability of the overflow airport at Badgerys Creek and most importantly, employment creation in Western Sydney, because of a bizarre ideological obsession with Metro due to it not having train drivers and trade unions;
- (f) ignoring the public advice of the outgoing head of the Aerotropolis, Sam Sangster, that Badgerys Creek runs the risk of being a white elephant without a fast rail link to Sydney; and
- (g) making these fundamental and hopelessly incompetent planning errors, jeopardising the success of the nation's largest infrastructure project, on a greenfields site where such errors should be unthinkable.

How well does the Liberal Party know western Sydney? The Draft Cumberland Plain Conservation Plan was released recently amid great fanfare by Minister Stokes and Minister Kean. It begins with the Minister's foreword, which states, "Western Sydney is evolving at a rapid pace." True enough. It continues:

The new Nancy Boyd International Airport will start operating in 2026 ...

They have not even got the name of the airport right. How well does the Liberal Party know western Sydney when it cannot get the name of the airport right in the largest infrastructure project in the country? It is Nancy-Bird Walton Airport. Who is Nancy Boyd? Is this a reference to Les Boyd's mother, who used to play for Western Suburbs? Is this as close as the Liberal Party can get? That is the first embarrassment for the Government—it cannot get the name of the airport right. But the real damage here is that they cannot get the planning right because we have a situation where against the advice of the head of the aerotropolis, Sam Sangster, who said you need the fast rail otherwise you will develop a white elephant, the Government has gone down the path of Sydney Metro.

It has not done this to create jobs or to improve transport efficiency. It has done this because Sydney Metro has no drivers and no trade unions. Who in their right mind would put an industrial relations agenda ahead of massive employment creation in western Sydney in the middle of a recession? That is what Minister Constance has done, supported by Minister Stokes. This is ideology run wild at the expense of jobs and people in western Sydney. Worse still, the Government has available to it benefit-cost studies showing clearly that Sam Sangster was right when he said that the highest economic benefit would come from a fast rail link from Badgerys Creek to the centre of Sydney.

Whether the Government likes it or not, 80 per cent of people coming to Sydney want to see the harbour, which is neither unusual nor unexpected. You cannot fight that reality in your transport and land use planning. It is a reality that you need to accommodate. The one advantage that the airport at Badgerys Creek will have is that it is curfew free. But imagine the scenario now of an airline coming in at midnight. It will beat the curfew arrangements because it does not go to Mascot; it goes to Badgerys Creek. It will bring in international passengers at midnight, who will get off at Nancy-Bird Walton Airport and then have to catch the Sydney Metro to St Marys and change trains there—with their heavy bags—to catch the heavy rail into the centre of Sydney where they might be staying to see the attractions of this metropolis.

It takes 25 minutes to get from Badgerys Creek to St Marys on the Sydney Metro. It takes 10 minutes to change trains and then it is another 65 minutes into Circular Quay. That is a 100 minute journey at midnight. People arriving in Sydney will think this is a Third World country. Who does this? Worst of all, it is off a greenfield site. This is not retrofitting because the Government is not having to remake the whole environment out there—it is green fields. What sort of Government messes up and botches the planning on a greenfield site despite the clear advice of Sam Sangster, who has been heading the project? Sam Sangster studied the science business park outside of Tokyo, which was a white elephant until they built a fast rail link. The benefit-cost studies clearly show that the fast rail link bringing in the heavy rail from Leppington to Badgerys Creek provides the greatest economic benefit because it brings all the job and industry opportunities in Liverpool and Campbelltown.

It also provides a link to Mascot airport with advantages for airport workers and travellers. It is a no-brainer to go from Leppington to Badgerys Creek by extending the heavy rail, but the Government will not do it because—shock-horror—the trains have got drivers and maybe the drivers belong to a trade union. So is it going to jeopardise major employment creation in the biggest infrastructure project in the nation for the sake of that? The Government is planning to build 100 kilometres of metro. It is not just the madcap plan to go to St Marys, which is the first priority. It is not just the pie in the sky idea of tunnelling under Macarthur to get to Macarthur Station, which I do not think will happen. Minister Constance has now added a third metro priority in the land use plan released on Friday. He wants to go from Badgerys Creek to Parramatta. All roads under this Government lead to Parramatta.

If you want a new Powerhouse Museum or anything else, it is all at Parramatta. Now the Government has a third metro ahead of the sensible, economically efficient and productive plan of going the 16 kilometres from Leppington—built not all that long ago and opened by the Baird Government—to Badgerys Creek. The tragedy of this planning is insurmountable and we are now closing in on the date where, having dug out the pit and done the soil clearance beneath the future terminals site, the cut will be filled and there will be no platform arrangement

for the heavy rail to go to Leppington. This is a planning disaster on a greenfield site and the Government must reconsider this urgently and earnestly and make sure it puts western Sydney first.

The Hon. NATALIE WARD (21:19:05): I oppose the motion moved by the Hon. Mark Latham. On Sunday I was delighted to see the Premier, alongside the Minister for Transport and Roads, and the Minister for Jobs, Investment, Tourism and Western Sydney, announce the station locations for the new Sydney Metro – Western Sydney Airport project. The project will support 14,000 jobs, including 250 apprentices, and inject billions of dollars into the New South Wales and Australian economies. The new metro railway will become the transport spine for the Western Parkland City's growth for generations to come, connecting communities and travellers with the rest of Sydney's public transport system through a fast, safe and easy metro service. Construction will begin later this year, with stage one to be complete when the airport opens for passenger services.

The Aerotropolis Core to the south of the new airport will become a major new transport interchange right in the heart of the future central business district of the Western Parkland City. It is an \$11 billion mega-project that will deliver economic support and local jobs. It is a city-shaping project providing a north-south spine for Western Sydney. The Government is doing what previous governments have failed to do. It is not just announcing the infrastructure, it is actually building it. The investment is being fast-tracked to help our economy recover from COVID-19 and deliver a major stimulus to the heart of western Sydney. It is being funded on a fifty-fifty basis with the Commonwealth as part of the Western Sydney City Deal. It will be the largest infrastructure investment by the Commonwealth in its history. Western Sydney residents will reap the benefits of the investment well before the first train leaves the station.

Exact station locations have been confirmed on the 23-kilometre driverless railway line at St Marys, Orchard Hills, Luddenham and two stations at the airport. With the call for registrations of interest, the tender process has started to deliver 10 kilometres of twin metro railway tunnels. The new railway will link residential areas with job hubs and connect travellers from the new airport with the rest of Sydney's public transport network. It will provide the backbone for the economic and broader development of the Western Parkland City. The huge investment in western Sydney infrastructure projects is creating an interconnected city that will enable innovation, support growth and create jobs to build an exciting future for western Sydney. The Government wants to ensure that the economic benefits from more than \$20 billion of infrastructure investment stay as broadly as possible in western Sydney and are not just shipped off to the east. The Government will oppose the motion.

The Hon. ADAM SEARLE (21:22:00): I lead for the Opposition on private members' business item No. 756, moved by the Hon. Mark Latham. The Opposition will support the motion and will do so not only for the reasons articulated by the Hon. Mark Latham. It is not just that the Government does not understand western Sydney; it says a lot about the Government's attitude to western Sydney. The Western Sydney Airport is the single largest jobs catalyst of any conceived project. It is not just about the benefits that come with the construction, which the Hon. Natalie Ward directed her remarks to. Part (2) (c) of the motion talks to the ongoing benefits of driving and retaining employment in, around and for the benefit of western Sydney, and the metro connections that the Government is proposing sell western Sydney short. They say that the international airport does not deserve the same connectivity to the city that Mascot or other world airports have.

If you go to Heathrow, New York and other world cities there are far better connections to the main part of the city that tourists want to visit—for better or worse, as the Hon. Mark Latham identified. What is being proposed here sells western Sydney short. The Labor Party has long supported the Western Sydney Airport proposal, subject to it coming with the necessary infrastructure that benefits the people of western Sydney. Western Sydney should not be a dumping ground for another industrial facility. It not only has to have construction benefits, but it also has to bring the ongoing benefits of attracting and retaining employment. We must make sure that, when it is constructed and is up and running, the project services the needs of domestic and international travellers in a way that is more useful for getting people into and around Sydney.

The proposal from the Government does not do that. It sells the city short and runs the risk of stranding the Western Sydney Airport, making it an undesirable location and making people who are seeking to come to New South Wales and Australia continue to use Mascot airport, rather than use a second-best option. Nobody wants to arrive somewhere and have to travel hours to get to their ultimate destination. The proposal is ill thought out and may well be motivated by the reasons the Hon. Mark Latham identified; that is, a union-busting approach that puts an industrial relations agenda ahead of sensible policy and what is to the benefit of the people of western Sydney more broadly. The Opposition will be supporting the motion.

The Hon. SHAYNE MALLARD (21:25:15): It is good to see the Bradfield plan is alive and kicking, and to see the old planning thinking of those supporting and moving the motion. The fact is that this is a visionary way to deal with redesigning our city. The parkland city is a key part of the three cities plan. The notion that people can live and work close to where they live is fundamental to our re-visioning of Sydney. In my day, I got

on the heavy rail train at Emu Plains or Penrith and travelled in to work at Fairfax in the city. As someone who lives and was born and raised in western Sydney I believe it is old thinking to spend hours and hours on freeways and trains.

Today through Opal card data we know that people are catching trains from the Blue Mountains, where the Hon. Adam Searle lives, through to Penrith, or to Blacktown to work in the medical precinct, or to Westmead and Parramatta. Fewer people are going into the city because our city is diversifying. It is a visionary project of laying out metro rail across all of Sydney, not just the section we are talking about. Across the world in cities like Copenhagen, Shanghai and London, metro rail is a complementary overlay of heavy rail. It is not a competitor; it is not to knock off the unions. It is another type of transport to complement the transport network and it is a more flexible and cheaper form to build. The metro rail will connect the new airport—which I know Mr Latham's former party opposed for many years—through to St Marys. With four stations in the first stage it will create opportunities for employment in the Western Parklands hub. It will create quality jobs, ultimately connecting all of that area.

The old hub-and-spoke model is outdated. The planners today are saying to us, "We have got to connect the areas for employment in a radial manner, not like the spokes on a bicycle wheel." When I was working for the mayor of Liverpool City Council, which is a mighty fine council, we did research on the airport because the council opposed the airport when I got there. The research from the community was quite extensive; in fact, it won a local government award. The research showed that the people who would use the airport were local residents and local employers, not people going to the CBD. The airport is about western Sydney. It does not rule out another government in the future spending \$1 billion or more on connecting it to Leppington station, which the Government completed. But it does indeed talk about the future of our city—*[Time expired.]*

The Hon. JOHN GRAHAM (21:28:27): I speak to the motion as the roads shadow Minister for the Opposition because it has been the subject of discussion amongst the team. In fact our transport shadow Minister has a similar view to what is in the motion about the importance of that piece of rail to the future of western Sydney. I support the position which has been put by the Leader of the Opposition in this place today. As recently as 3 September that has been the view of our transport shadow Minister Chris Minns, who has been backing this in. We are not opposed to city-shaping metro. We are not opposed to the idea of building metro rail to support a three-cities vision for Sydney. There is some real merit to that but Labor is worried that this Government is drawing more lines on maps without the funding to back it up.

As the Hon. Mark Latham has pointed out, the Government is proposing 100 kilometres of metro line before the Sydney Metro West for Sydney's most travelled corridor is funded. The planning Minister is racking up the promises and racking up the lines on the map. Labor wants to know that they are not fantasies—that the money will be there to fund them into reality. There is a 16 kilometre-long reality that would link this important jobs-generating airport to the city in the way that has been described. It feels like a real proposition and a project that is more likely to make a difference to the airport.

The following questions arise: Where is the funding for the projects that are now being added? What is the plan for the knock-on infrastructure that has been speculated about but is a long way from delivery? Will the infrastructure around the airport be in place in time? We have real concerns about that. The M12 road infrastructure is running two years late. It should have started already but is now due to start in 2022. We have called for it to be fast-tracked because we have concerns. It is madness to suggest that the possibility of the platform work being completed sooner rules this out. If that is the case, a future government will not have the chance to do it. So we say: Why not look at the 16-kilometre option as well? Labor wants to hear from the Government. We are open to hearing its views about the metro rail but we want to hear why it will not act on the fast rail link proposal as well.

The Hon. LOU AMATO (21:31:35): Coming from western Sydney I welcome jobs, jobs and more jobs. I have a background in small business so I am always supportive of new business opportunities. The Western Sydney Aerotropolis will be the major contributor to 200,000 new jobs in western Sydney.

The Hon. Walt Secord: Some 200,000?

The Hon. LOU AMATO: Yes, that is right. Under a landmark rezoning announced by the planning Minister on Sunday, 6,500 hectares of land will be rezoned to provide for employment, residential and environmental uses in the Western Sydney Aerotropolis. That rezoning will set the State up for a strong economic recovery and pave the way for land to be developed before the first plane takes off in 2026. The rezoning of the Aerotropolis Core, Badgerys Creek, Northern Gateway, Agribusiness and Wianamatta-South Creek was the catalyst for the creation of Sydney's third city centred on a new global airport. Once fully developed, those first five precincts will deliver much-needed jobs growth to western Sydney and homes to 30,000 residents. The aerotropolis will be supported by the Wianamatta-South Creek precinct, which sets up a central green spine to protect the environment and provide open space for future residents and visitors to enjoy.

The 1,300 hectare precinct will include walking and cycling trails that connect open space along the creek as well as cafes and restaurants. The aerotropolis is set to become the most dynamic economic development precinct in Australia with jobs in aerospace and defence, manufacturing—I have spoken about manufacturing many times in this place—healthcare, freight and logistics, agribusiness, education and research industries. The aerotropolis plan lays the foundations for the transformation of a large greenfield area into a thriving metropolis with new homes, jobs and public spaces supported by a new, world-class metro line. In addition, the Agribusiness Precinct will revolutionise local fresh fruit farming as produce can go from the farm gate to the international consumer plate in 36 hours.

The Western Sydney Aerotropolis rezoning is one of 10 projects in the fifth tranche of the New South Wales Government's Planning System Acceleration Program. To date, the program has created opportunities for more than 50,000 jobs and almost \$25 billion worth of economic investment. At 11,200 hectares, the aerotropolis is as large as eastern Sydney. It is divided into 10 precincts, with initial development precincts including the Aerotropolis Core, Badgerys Creek, Agribusiness, the Northern Gateway, Mamre Road and Wianamatta-South Creek. The draft Western Sydney Aerotropolis Plan package was on public exhibition from December 2019 to March 2020.

The Hon. MARK LATHAM (21:34:43): In reply: I am distressed about this issue because the stakes are so high. The Government has projected the creation of 200,000 jobs in the aerotropolis and surrounding areas in what the Government calls the Western Parkland City. That will not happen if the airport is a white elephant. I do not think the Government understands the circumstances at Badgerys Creek. It will compete directly with the airport at Mascot. The international experience with overflow airports shows that such competition is almost impossible without fast rail and a connection to the mainstream of the metropolis. Currently, the only guaranteed traffic at Badgerys Creek on opening day in 2026 is dedicated freight—planes full of freight but no passengers. About 30 of those fly into Sydney every day. They will be redirected to Badgerys Creek. One plane an hour of dedicated freight hardly sustains an international airport. We run the risk of creating a white elephant that is unable to compete, does not have the passenger connections to central Sydney and, as a result, is a massive flop.

How hard is it on a greenfield site to get passengers into Sydney as quickly as possible? The logical way to go is from Badgerys Creek through the Leppington line on to Glenfield, East Hills, Mascot and into the centre of Sydney. The Government's attitude seems to be build it and they will come, and when they do come they can change at St Marys at midnight and see how they fare. It is simply insufficient. Quite frankly, it is hopeless from a planning perspective. From the very beginning the concept was all wrong because the people—who were from outside of western Sydney—who put together the original plans said, "We conceive this airport in western Sydney as a satellite city, not really connected to the eastern part of the urban area, and we will run the transport links north-south." And somehow it is all self-contained? There is insufficient traffic from western Sydney to Badgerys Creek to sustain a thriving international airport supporting 200,000 jobs in the aerotropolis and beyond.

In Campbelltown, where I live, it will still be more convenient to catch the heavy rail train on the East Hills line straight under the domestic and international terminals. That is not possible at Badgerys Creek. The cut is being done now and it is about to be filled in. There is no space for a heavy rail platform. It simply beggars belief that this is happening. The whole concept of north-south avoided the reality that for western Sydney to succeed the historic task is east-west integration to get the connectivity that generates transport efficiency, jobs and industry development.

The Government does not listen to the head of its aerotropolis. Sam Sangster is leaving and it is not hard to work out why. The Government does not follow its own cost-benefit analysis or commonsense planning. When the Hon. Shayne Mallard walked away he called me a dinosaur. He can say that but what is worse for western Sydney is a white-elephant airport—to use the animal analogy—that does not deliver the 200,000 jobs, is a waste of money and leaves our region with higher than average unemployment that it does not deserve. Western Sydney deserves much better than this and I will campaign night and day to ensure that, at a bare minimum, we get the fast rail link to make that airport effective to create jobs into the future.

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

The House divided.

Ayes20
Noes15
Majority.....5

AYES

Banasiak
Borsak

Hurst
Jackson

Primrose
Roberts

AYES

Buttigieg (teller)
D'Adam (teller)
Field
Graham
Houssos

Latham
Mookhey
Moriarty
Nile
Pearson

Searle
Secord
Sharpe
Veitch

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)

Franklin
Harwin
Khan
Maclaren-Jones (teller)
Mallard

Martin
Mitchell
Taylor
Tudehope
Ward

PAIRS

Donnelly

Mason-Cox

Motion agreed to.

*Documents***COMMERCIAL FISHING INDUSTRY****Production of Documents: Order**

The Hon. MICK VEITCH: I move:

That private members' business item No. 602 be considered outside the order of precedence in a short form format.

Motion agreed to.

The Hon. MICK VEITCH (21:49:12): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning, Industry and Environment, Regional NSW or the Minister for Agriculture and Western New South Wales:

- (a) all documents concerning the independent assessment of the socio-economic impacts of the New South Wales Commercial Fisheries Business Adjustment Program, being undertaken by Professor Kate Barclay; 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.

A number of members in the House would know that I have stood here on many occasions to talk about the Commercial Fisheries Business Adjustment Program, and in particular the socio-economic assessments that should have been but clearly were not conducted prior to this program being rolled out. This program has driven a whole heap of small, family-run operations to the wall. It has killed off a whole heap of family-run small business operations up and down the coast. The socio-economic assessment that should have been conducted prior to this program being rolled out was not done, and the end result is what is now referred to as the Barclay report. I know that members were a bit concerned yesterday about the length of the Hon. Mark Banasiak's motion, but it relates to the socio-economic impact of the Government's Commercial Fisheries Business Adjustment Program.

I asked question after question to then Minister Blair about the impact of this program. We had undertakings that businesses would not go to the wall and that it was done in good faith. There was an upper House inquiry into this program. The department provided evidence and testimony to say that everything was hunky-dory, businesses were not going to the wall and what we were saying was not correct. But if members look at the Barclay report, which has recently been made publicly available via the Government Information (Public Access) Act [GIPAA], they will realise that there are some serious discrepancies. Those discrepancies were clearly outlined in the notice of motion, which caused a little bit of angst for some members yesterday. I have no doubt that the member who gave that notice of motion may well contribute to this debate, so I am not going to steal his thunder. This is pretty straightforward.

The Minister was asked questions under GIPAA. To be clear, there are two separate GIPAA requests. One was provided last week, coincidentally, knowing that this motion was coming but it does not deliver the information that we are seeking. The Minister has sought an extension of time for the second one. That extension does not provide the documentation that we require, in coordination with the shooters and the issues that they are raising.

We are asking for the totality of the documents that led to the creation of the document known as the Barclay report, which is pretty important to the people of the commercial fishing sector. They are often forgotten in New South Wales. They are a very hardworking group of people. We all know of fishing co-ops up and down the coast that have been put at risk by the business adjustment program. But more importantly, they contribute to all of their local economies. They buy a cup of coffee before they go to work. They buy the newspaper—if they have still got one—in their local communities. These are the people who in the main actually support some of those small, beautiful communities up and down our coast.

Contrary to what the Minister at the time said, this package has wreaked a fair degree of devastation. A lot of those small- to medium-sized family commercial fishing operations no longer exist. There was a court case against the program. Even though I no longer have responsibility for the area, some commercial fishers still ring me and talk at length about what it has actually meant for them, their families and their communities. There were winners but there were a lot of losers, and most of the losers in this program were the small- to medium-sized family-run commercial fishing operations. If you support a family-run small business, you will be asking how could the Government roll this program out in the way that it did, because people lost. We are after the documentation that provides the basis upon which the Barclay report was prepared and all of the documentation relating to the development of the Barclay report before it was publicly released last week. This Standing Order 52 request should be carried by the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:54:52): I refer to comments that I previously made. This is one of the 15 Standing Order 52 applications which are before this House this evening. Individually, these applications might have merit. I will not canvass again the cumulative impact on the administration of the Government and the use of time by public servants and the people in this place. It is trite to say that this is probably a fishing expedition. I would point out just one thing in relation to the fishing industry. I acknowledge the impact on small business that was alluded to by the Hon. Mick Veitch. However, I want to highlight that in response to the COVID pandemic the financial assistance package, which has been offered to the fishing industry through fee waivers, rent reductions, low-interest loans and the like, amounts to some \$9 million.

The Government is aware of the significant impact on the fishing industry as much as it is on other small businesses throughout the State. I acknowledge that the fishing industry has gone through a very difficult period of time. Those opposite cannot walk away from the failure of administration in relation to how this whole plan has worked out. When we came to office in 2011 we commissioned the Stevens report, which identified significant systematic administrative failures in the way that the fishing licences were rolled out. The Stevens report stated:

Overall, the manner in which shares ... were issued in these fisheries may be considered as a case of administrative failure, which, in turn, has led to the current situation faced by fishers.

There is an obligation on Government to solve that problem, which is a problem that we inherited. The Barclay report seeks to investigate that. In any event, the Government will be opposing this motion because of the cumulative effect that these Standing Order 52 requests have on the administration of government.

The Hon. MARK BANASIAK (21:57:58): The Shooters, Fishers and Farmers Party will be supporting this motion. It should be no surprise; there has been a running theme with my contributions to the House this week. I will not recap my notice of motion yesterday; everyone was thrilled with that. We are trying to find out the origins and what was going on in the decision-making around this Barclay report. The Minister made an announcement very early on in the year. He made it very publicly in the petition debate in March. Then there was deathly silence, and many questions in estimates, many questions on the floor of the House and many questions in the public about where this Barclay report is.

The Opposition has had to go to great lengths in terms of Government Information (Public Access) Act requests to try and get this information and suddenly it miraculously appeared on the Minister's desk on a Thursday. On *Country Hour* on the weekend, the Minister spoke about how it was on his desk on the Thursday. In the quickest turnaround in terms of a government response to a report, the Barclay report was loaded up on the Department of Primary Industries website. It was very hard to find initially but was there directly with the Government's response. For me, that is the quickest turnaround in history from report to a government response.

The Hon. Mick Veitch: You smell a fish?

The Hon. MARK BANASIAK: To be honest, having looked at the Government's response to the Barclay report, I wondered what report it had read as it did not seem to relate to the Barclay report I read. The Barclay report talks about a total lack of data to go ahead with this reform in the first place. There is a total lack of baseline data to see whether this commercial fishing reform worked or achieved any goals. A lot of papers float across my desk from concerned constituents about many issues. I saw a number of emails going back and forth between

Professor Barclay's research assistants talking about the need to fact check. My concern is: Is this the true version of the Barclay report or has it been sanitised?

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. MICK VEITCH (22:01:03): In reply: I thank the Minister for Finance and Small Business and the Hon. Mark Banasiak for their contributions to the debate. The Minister was absolutely correct when he said that in 2011 a number of matters arose from the Stephens report and actions were to be put in place. The Minister was a member of the Legislative Assembly for the previous four years, but the case was prosecuted on a fairly regular basis in this Chamber with the Hon. Niall Blair, who defended well. In the past I have said publicly that there is no way I will defend the arrangements that led to the Stephens report. There are issues that need addressing.

The commercial fishing sector will say that these problems go back 30 years and in that time both sides of government have had skin in the game. The sector has said to me that we stuffed it up. Both sides of government have to accept that over the past 30 years the incremental changes we put in place in that sector have impacted upon the small- to medium-size family-run operations much more harshly than they have on others. The Minister is correct, and I do not walk away from that. Both sides of Parliament must accept that we got it wrong. The socio-economic impacts of the business adjustment program really hit hard in a section of the industry because of decisions made by both sides of Parliament over decades. The sector does not hold either side in high esteem. I am not standing here being holier than thou; we have got skin in the game as well.

I hope that the Standing Order 52 request will highlight how and what the departmental response may well have been internally to the Barclay report. There may be some answers for all members in this Chamber. The cumulative effect of Standing Order 52 motions is mentioned a lot. But let us go back to 2006. Who was in opposition and putting through all the Standing Order 52s then? It was the Coalition. I think this motion should be carried.

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

The House divided.

Ayes22
Noes16
Majority.....6

AYES

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

NOES

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

PAIRS

Donnelly

Mason-Cox

Motion agreed to.

ASP FCI ANALYSIS REPORTS**Production of Documents: Order**

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 745 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (22:15:23): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Department of Education, Minister for Education and Early Childhood Learning relating to the facilities condition index AsP FCI Analysis Report:

- (a) the full facilities condition index AsP FCI Analysis Report for 2018, 2019 and 2020, including the condition index compared to benchmarks, the asset value, condition liability, planned maintenance and play space;
- (b) all reports, briefings, updates, memorandum, emails and correspondence relating to school facilities condition indexes and AsP Facilities Condition Index Analysis reports, provided to the Minister for Education and Early Childhood Learning since 2019;
- (c) the indexed list of documents returned under this order of the House be provided in hard copy in no less than 12 point font and an electronic copy in a searchable format; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I understand that the Government will not oppose this order for papers under Standing Order 52. I will briefly outline why the Labor Opposition seeks the information referred to in the motion. The *AsP FCI Analysis Report* refers to the asset planning facilities condition index analysis report, which provides information on the condition of New South Wales schools. It examines the condition, liability, planned maintenance, asset value and play space. The Labor Opposition seeks this information because the Government, although collating the information, does not make the information publicly available. The Opposition wants to know the condition of our schools. The condition of our schools is very important.

The Opposition wants a world-class education system, schools that our communities can be proud of, and to be sure that our schools are well maintained. That is very important. We need to ensure simple things like the toilets working properly. The Opposition seeks this information to make sure school facilities are in good working order. The Government has committed to clearing the school maintenance backlog by July this year. The Opposition simply wants to know whether that is happening in practice. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (22:16:50): The Government will not oppose the motion and is prepared to be transparent when it comes to the maintenance of our schools. That is obvious from the Government's record investment in school infrastructure and upgrades, as well as its commitment to clearing the schools maintenance backlog. The Government will not oppose an order under Standing Order 52. The Government has no problem with the information sought being made public.

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

Motion agreed to.

*Motions***CSIRO PARKES RADIO TELESCOPE**

The Hon. SAM FARRAWAY: I move:

That private members' business item No. 696 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. SAM FARRAWAY (22:18:12): I move:

- (1) That this House notes that:
 - (a) on Tuesday 10 August 2020, the Hon. Sussan Ley, MP, Federal Minister for the Environment, announced that the CSIRO Parkes Radio Telescope, owned and operated by Australia's national science agency, the CSIRO, as the first functioning scientific instrument to be added to the National Heritage List;
 - (b) in July 1969, alongside NASA's Honeysuckle Creek Station near Canberra, the telescope played a key role in ensuring the Apollo 11 mission to the Moon was shared with 600 million people around the world;
 - (c) 60 years on, the contribution to astronomy and science from a "sheep paddock" continues with the telescope observing our universe day and night, seven days a week, with the most advanced systems in the world; and

- (d) the telescope is an iconic attraction for Parkes locals, and brings tourists from across Australia and the world to central west New South Wales and has been pivotal to the growth of the Parkes Shire and surrounding communities.
- (2) That this House recognises and celebrates the CSIRO Parkes Radio Telescope being the 118th site to be added to the National Heritage List.
- (3) That this House affirms its support for the CSIRO Parkes Radio Telescope and the advancement of science and technology opportunities throughout regional New South Wales.

At 12.56 p.m. on 21 July 1969 Australian Eastern Standard Time astronaut Neil Armstrong took a small step onto the surface of the moon as 600 million people across the world watched. From that moment Neil Armstrong and Buzz Aldrin were not the only icons born. In a sheep paddock just outside the town of Parkes in the Central West of New South Wales, approximately 380 kilometres from Sydney, an icon stood, helping with the broadcast. That icon of course is the famous dish. It is so famous that a great Australian film was made and was dedicated to the role it played in the moon landing. The film was appropriately named *The Dish*.

While the depicted events are not 100 per cent accurate, I am told by the current mayor of Parkes, Councillor Ken Keith, OAM, that Parkes was once known as the only place to see two full moons each month, which is attributed to the mayor liking to drink at the local RSL, so the film is certainly not all fiction. It is not just space enthusiasts, schoolchildren or grey nomads who come to the Central West to see the dish. Every year people from around the world come to Parkes to see the telescope and they all leave in awe of what has been discovered at this 64-metre radio telescope structure—built in 1961—and what it continues to discover and achieve in the world of science and astronomy.

In recognition of the telescope and the contribution of the CSIRO to scientific discovery, earlier this month Federal environment Minister Sussan Ley announced that the dish would be the 118th site added to the National Heritage List. When hearing the news that the dish would be joining the ranks of Australia's most iconic attractions, including the Great Barrier Reef and the Sydney Opera House, I could not help but share this excitement in Parliament. Whilst many associate this accolade with a sign of age, like a good wine the dish continues to get better as the years go by. It is also the only operational site to be added to the national list.

The CSIRO Parkes team continues to observe the universe day and night, seven days a week, with the most advanced radio receiver systems in the world. Since the moon landing in 1969 astronomers have used the dish to find the most known pulsars, which are rapidly spinning neutron stars, and identified the first fast radio burst—a phenomenon researchers are racing to explain. As a matter of fact, CSIRO Chief Executive Dr Larry Marshall said that the telescope still holds the record for detecting the most pulsars. This is proof of the important role that the dish continues to play to this very day in understanding our universe. Not only has the dish contributed greatly to science, it has also done wonders for the Parkes region. The Parkes Observatory Visitors Centre, which was opened on 14 February 1969 by the newly appointed science Minister at the time, Malcolm Fraser, cost \$50,000. I am sure we can all agree that it was a very worthwhile investment.

The visitors centre attracts around 100,000 visitors to the region each year and is always a side attraction to other great local events, such as the annual Parkes Elvis Festival. Over the past 60 years the CSIRO Parkes Observatory Visitors Centre has attracted over five million visitors to the region, contributing greatly to the local economy and promoting the region to the world. Many community groups also hold their local meetings and events at the centre. Since 2002 the Central West Astronomical Society has met regularly at the centre for its monthly meetings held on the first Friday of each month. It is undeniable that it not only helps the Parkes economy but also benefits surrounding areas like Forbes, Orange and the Cabonne region. It helps keep small businesses open and locals in jobs.

Another important role that the dish plays is in inspiring future generations of scientists in the Central West and across the great State of New South Wales. You cannot be what you cannot see. Over the years the dish has attracted an array of talented staff, embedded scientific interest and knowledge within our region, and exposed our youth to what can be achieved in science across regional New South Wales. Congratulations to the team at the Parkes Observatory and to the CSIRO on this wonderful achievement. Their dedication to science, education and the Parkes region does not go unnoticed. I cannot wait to get back to Parkes to visit the dish once again.

The Hon. BEN FRANKLIN (22:23:25): By now the House is probably aware of my love of the arts, so I am delighted that in supporting this motion I can reference the extraordinarily successful Australian film industry. Australia has a renowned screen and film industry that has produced many world-class cinematic and television productions. While Crocodile Dundee and his knife will always be iconic, *The Dish* has forever put Parkes on the world stage. The CSIRO Parkes radio telescope, more affectionately known as the dish, has been recognised as the 118th site added to the National Heritage list. And what a worthy addition it is because the Parkes radio telescope changed the world.

The date 20 July 1969 is cemented in global history, thanks largely to the dish at Parkes. It was responsible for sharing the finish line of the greatest race in the world, the race to the moon. Neil Armstrong may have coined the phrase, "One small step for man, one giant leap for mankind", but the dish at Parkes let the world hear it. The broadcast of landing on the moon brought the world to a standstill. Across the globe, nations stopped and gathered all at the same time to witness that historic event, thanks to a dish in a sheep paddock. I think it is testament to Australian innovation, science and technology that we played a significant role in sharing the moon landing and continue to observe the universe from regional New South Wales. Since 1969, the telescope has conducted several surveys of the sky and found over 2,500 new galaxies in our local region and mapped hydrogen gas in our galaxy in high detail.

Those discoveries are incredible and have helped shape scientific understanding of astronomy and the cosmos. For over 60 years the telescope has piqued interest, and people continue to travel far and wide to see this iconic part of Australia's history. Visitor numbers tripled to 150,000 following release of the film and have remained at 100,000 every year. Here in New South Wales we like our big things. Coffs Harbour has the big banana, Tamworth the big guitar and in my own backyard we have the big prawn. But Parkes has the dish and it really takes the cake. I am so pleased the CSIRO Parkes radio telescope has been recognised on the National Heritage register. It has immortalised our role in science innovation and discovery. I am absolutely thrilled to support the excellent motion by my friend the Hon. Sam Faraway.

The Hon. NATALIE WARD (22:25:56): I commend and support the fantastic motion moved by the Hon. Sam Faraway. I thank him for bringing it to the House. I joined the Hon. Sam Faraway in a show of Coalition unity two weeks ago in Orange and I thank him for his hospitality. We saw the wonderful work done in the courthouse there and the great work being done in the Central West. I digress. This may be controversial but it is important to note that even though the moon landing on 20 July 1969 and the televised footage was an incredible moment for the world, Honeysuckle Creek was also involved, not just Parkes. The important role of Honeysuckle Creek is known because of a book written by a former member in the other place—I seek members' indulgence to use a prop—Andrew Tink. He has written the story of Honeysuckle Creek and I commend the book to members. Tom Reed, who was crucially involved in ensuring that the world could see those steps, is a very shy man. Everyone should read the book.

I have taken my children to Parkes. It is a fantastic place to go with your family and have your photo taken in front of the dish. I hope all Australians get to visit it. I commend the story of Honeysuckle Creek because the critical part of the moon landing was conveyed through the Honeysuckle Creek area. Parkes only received the landing footage. It was six hours later that the first steps were actually taken. Some may not know that there was a huge gap between landing and actually taking the steps on the moon. They were transmitted from Honeysuckle Creek. The Parkes antenna was more powerful, but the angle of its dish at the lowermost pitch is 30 degrees. It was buffeted by wind gusts of up to 100 kilometres per hour and was not in line to receive signals during the first seven minutes of the moonwalk.

Honeysuckle Creek signals were sent to Sydney and they were the ones to convey the pictures through. I commend former member Andrew Tink for his insightful account in bringing those images to the world. It is a very Australian story indeed. I think there was a fire at Tidbinbilla station that they had to patch up quickly. Another quick anecdote is that apparently they over-landed by a number of miles from where they were supposed to land on the moon and the area was full of boulders; it was not a nice flat area as they had mapped out. They overstepped and they had to find their way between the boulders. Neil Armstrong and his team did amazing navigational work. I commend and support the motion of the Hon. Sam Faraway and thank members for their contributions.

The Hon. WES FANG (22:29:07): Like the Hon. Natalie Ward, I join my colleague the Hon. Sam Faraway—as is my want to do at certain times—to commend the motion to the House. Since the dawn of history, man has gazed at the stars and wondered at the mystery and immensity of the universe. He did this first with his naked eye and then with crude lenses. We do not know whether the universe is bounded or whether it reaches to infinity in every direction, whether it has a beginning and an end. The questions go on and on and it is our profound belief that this instrument and instruments like it will reveal the ultimate truth about our universe. So said E.G. "Taffy" Bowen, the chief of the CSIRO, at the official opening of the Parkes telescope on 31 October 1961.

On that monumental day in Australian scientific history the small rural airport had seemed like a major air terminal, with chartered planes carrying most of the 500 special dignitaries, including the Governor-General, to the small regional town. Businesses were shut and locals clamoured to grab the best seat in the house for the opening ceremony. Conceived from an idea a decade earlier, the telescope had taken four years to design and a further two years to construct. It was a truly international scientific endeavour with American philanthropic donations, British engineers, German construction and the overall planning directed by Australia's CSIRO—all joining forces to create this marvel of technology. The Parkes telescope was built out of a pursuit of knowledge

and a pioneering desire to explore the outer limits of our existence in our universe. Those at the launch in 1961 knew not what the telescope would be used for, but they understood that it would play a vital role in humanity's search for answers beyond the stars.

The Parkes telescope has had a long history of being contracted by the National Aeronautics and Space Administration and other international space agencies to track and receive data from spacecraft. In 1962 it tracked the first interplanetary space mission, *Mariner 2*, as it flew by the planet of Venus and, as captured by the film *The Dish*, in 1969 it was the prime receiving station for the Apollo 11 mission to the moon. In 1970 it was called on to help during the Apollo 13 emergency when an explosion crippled the spacecraft. That is but a small list of the Parkes telescope's notable moments. I commend the motion to the House.

The Hon. PENNY SHARPE (22:32:23): I support the motion and I thank the Hon. Sam Faraway for bringing it to the attention of the House. As we can tell from the debate tonight, there is a lot of love for the dish and there is a lot of understanding of the contribution that it has made internationally, nationally and locally. But I want to reflect on a couple of matters that arise as a result of this motion: A recognition of heritage and the concerns we may have about that. I am very pleased that the Hon. Sussan Ley is putting this site on the National Heritage List. I am unclear whether it is on the New South Wales State Heritage Register. Perhaps the heritage Minister, who is in the Chamber, can tell us. If it is not, it should be.

I reflect on the importance of the heritage list and what it means. It means that we recognise a site, such as the Great Barrier Reef or the Gondwana Rainforests, as having made a significant contribution to our heritage over a long period. I raise a couple of matters that I think need to be addressed when we talk about heritage in the New South Wales context. We still are yet to see Aboriginal cultural heritage legislation. It has been much promised and it was started under the former Labor Government. We understand that it is a complex thing to do, but it is a State shame that our Aboriginal cultural heritage is still managed within our National Parks and Wildlife Act. That needs to be resolved as soon as possible.

We also need to be serious about whether we are protecting heritage and what that actually means. Two Aboriginal sites are currently under threat: the Butterfly Cave at Wallsend; and the songlines, important Aboriginal artefacts and places in the Warragamba Dam catchment. The rest of the world looked on in horror when BHP blew up the Juukan Gorge caves. We have to be as careful as possible in New South Wales to ensure that we do not commit the same sorts of atrocities by failing to protect those very important places.

The final point I make is the importance of science and the importance of the dish, and the fact that it has led to interesting long-term jobs in regional areas that would not have had them without it. I again raise concerns that have been raised previously about the night sky, the observatory and the work that happens at Coonabarabran. In the foothills of the Warrumbungles, Coonabarabran has an incredible night sky—one of the best in the world. Real concerns have been raised over the potential development of the Narrabri Gas Project and whether that will have an impact on the observatory. Regardless of what people think about the coal seam gas project, we need to make sure that the observatory at Coonabarabran, along with the incredible scientific work it does and the jobs and tourism it generates, is protected.

The Hon. TREVOR KHAN (22:35:30): In July 1969 I was lucky enough to be travelling with my school to the snowfields in Kiandra. I remember going past Lake George and listening to what we would have described as "the wireless" in those days to hear of the progress of the moon landing. That night we were sitting in front of a black-and-white television in an old workman's hut, next to what I think is Lake Jindabyne—it was a heck of a cold night—watching what I suppose was a replay of the moon landing. What I reflect on from all those years ago is how short a period of time it is from then to now. Some of those parts are quite real, but the change in technology from what we had then to what we have now is quite extraordinary.

The level of communication technologies that were available and the nature of the technology that was involved in the spacecraft and in the dish itself is extraordinarily different. This is a bit frightening because it shows my age, but I think the point has been made that the computer power of the lunar module was less than what was in a Commodore car. We are talking about the most basic of technology and yet they were able to get to the moon. They were able to relay it all back using facilities like the Parkes radio telescope. It is extraordinary, and our role in that and our cooperation with the United States is worth reflecting on.

The point that the Hon. Penny Sharpe makes regarding heritage listing is very important. That change in technology, the nature of those changes and the need to retain as much as we can is extraordinarily important. We need to understand the progress that we make. We often talk about massive changes in technology, but it is important to recognise the gradual changes in technology. They achieve in themselves extraordinary things simply through changes to the materials used and changes to the tolerances that are involved. Those changes do not actually create the great leaps but they achieve very significant things. I commend the motion to the House and look back on those days quite fondly.

Reverend the Hon. FRED NILE (22:38:46): I support the motion before the House and thank the Hon. Sam Faraway for moving it. The motion has reminded us of the historic landing on the moon and the impact that Neil Armstrong had with his statement about it being one small step for man. I am not sure whether all members know that he was a strong Christian and took part of the Bible with him to the moon. He left Psalm 23 on the moon as well as the American flag, so God's word was actually transported on that occasion to that far-off place, the moon. I also note that the motion states:

- (b) in July 1969, alongside NASA's Honeysuckle Creek Station near Canberra, the telescope played a key role in ensuring the Apollo 11 mission to the Moon was shared with 600 million people around the world—

of which I was one. I have always been fascinated with space travel and I am looking forward to the adventures that take place in the race to Mars. Hopefully the journey to Mars will happen in our lifetime and it will be successful. I support the motion that this House recognises and celebrates the CSIRO Parkes radio telescope being the 118th site added to the National Heritage List and that this House affirms its support for the CSIRO Parkes radio telescope and the advancement of science and technology opportunities throughout regional New South Wales. I am pleased to support the motion.

The Hon. SAM FARRAWAY (22:41:31): In reply: I acknowledge the contributions of the Hon. Ben Franklin, the Hon. Natalie Ward, the Hon. Wes Fang, the Hon. Penny Sharpe, the Hon. Trevor Khan and Reverend the Hon. Fred Nile. I will make a couple of points in reply. Firstly, the Parkes Shire, and particularly the hardworking local council led by Ken Keith, OAM, is very proud of its region. They are very proud of the dish and the tourism and history associated with that piece of infrastructure because it is more than just a piece of infrastructure to them. They are proud of what it means to them and to the broader region, especially Forbes. We saw in that great film *The Dish* just how involved Forbes is.

Mr Deputy President, you raised a couple of points with our link to the United States through the moon landing and through our arrangement with the Americans. It is important to note that NASA spent 10 years and billions of dollars so that we could all watch a man walk on the moon. It was John F. Kennedy who chose to go to the moon and thanks to the Dish in the middle of a sheep paddock in regional New South Wales, the entire world got to share this experience and witnessed—I have to get this on *Hansard*—one small step for man, one giant leap for mankind. I thank all members for their contributions and commend the motion to the House.

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

Motion agreed to.

Documents

STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019

Production of Documents: Order

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Before I call upon Mr Justin Field I note that the *Notice Paper* states:

That, under standing order 52, there be laid upon the table of the House within 21 days ...

It should read seven days rather than 21. Mr Justin Field can take it that it is seven days rather than 21, which is what you want, is it not?

Mr JUSTIN FIELD: Thank you, Mr Deputy President. That was the intent of the motion. Thank you for clearing it up. I move:

That private members' business item No. 752 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr JUSTIN FIELD (22:44:54): I move:

That under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of the Deputy Premier, and Minister for Regional New South Wales, Industry and Trade, the Minister for Planning and Public Spaces, or the Minister for Energy and the Environment relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019:

- (a) all correspondence from National Party members of Parliament and local councils relating to the State Environmental Planning Policy (Koala Habitat Protection) 2019, including representations made by National Party members of Parliament on behalf of third parties; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I recognise that there has been a substantial amount of debate on conflict within the Coalition, conflict within the National Party as well as the substantive issue of the koala State environmental planning policy [SEPP]. While I understand the fascination with and attention given to the conflict, I want to try to bring the debate back to the issue, which is that we are failing to adequately protect koalas in New South Wales. I am sure that other members will speak on that in more detail. We have heard passionate explanations by many members of the National Party saying that they have been overwhelmed by representations from community members who are concerned about this issue. I want to test that. I do not think that we should take it as a given. This request under Standing Order 52 asks for documents that have been sent by members of the National Party to three key Ministers who are directly linked to this particular policy—the Minister for Energy and Environment, the Minister for Planning and Public Spaces and the Deputy Premier.

Let us test the arguments that National Party members have been raising about their constituents' concerns. Let us see how they have represented those concerns to those Ministers. Then we will all be better informed during further debates, and hopefully perhaps it will inform Cabinet members as they consider some of these issues in due course. Today the media suggested that there has been very little correspondence between certain members of the National Party and the Minister for Planning and Public Spaces. There now seems to be some contested points being raised in the media around the accuracy of that, so I say that we should test it. I do not think that it is unreasonable to ask for this correspondence between members of Parliament and two key Ministers regarding an issue that they have sought to put so clearly on the public agenda and over which they have threatened to bring down the Government. I commend the motion to the House.

The Hon. ADAM SEARLE (22:47:14): The Opposition will support this call for papers. It is very similar to one that we have also put on the *Notice Paper*. The issue that is raised by this Standing Order 52 request is twofold: firstly, as Mr Justin Field has indicated—and as has been debated in both this and the other Chamber—National Party members have said that this is such an issue of principle that they had to take the Government to the brink of destruction before backing off; and, secondly, it was an issue of grave concern to their constituents and themselves and that it was a matter of high policy. National Party members talked about representations that they had received from constituents, yet in today's media we see that the chief proponent of this argument, the Deputy Premier, has apparently made but one representation. That was on behalf of a well-known Hunter developer Mr Jeff McCloy of Bentley and brown paper bag fame, not to mention his attempt to overturn the prohibited developer ban set out in New South Wales electoral funding law.

As Mr Justin Field says, we are entitled to test the arguments put by part of the Government, one assumes, if I can use that term. We are also entitled to see how genuine they are in what they have said. Moreover, on the assumption that representations have been made by members of the National Party to various Ministers about this important matter of public policy, we as a house of review are entitled—and are indeed obligated in the light of this morning's revelation—to see on whose behalf those representations have been made and whose interests the National Party and its members have in fact been representing in this important debate. Leaving all of that to one side, sometimes in the heated debate the issue of protecting one of Australia's great natural wildlife icons, the koala, has been overlooked. That species has been pushed to the edge of extinction and if we do not change the trajectory of the way things are going, it will be extinct by 2050. The Government claims to have a policy of doubling koala populations—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I invite the honourable member to address the Standing Order 52 issue, as opposed to a broader conversation.

The Hon. ADAM SEARLE: I accept that admonishment. With regard to the Standing Order 52, it is incumbent upon us to test the propositions advanced by the National Party in the debate. The Opposition will support the motion.

Ms CATE FAEHRMANN (22:50:10): I support the motion put forward by Mr Justin Field. Let us remember that with this call for papers, Mr Field is trying to find out what many people in this place want to know: what was really behind the explosion by the Deputy Premier last week in relation to koalas. I chaired the inquiry into koalas that sat for 12 months. All members of that inquiry worked very well together in ensuring that stakeholders were heard. Stakeholder concerns were genuinely put on the table and we tried to work through them.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Again I invite the honourable member to look at the motion. I am a member of the National Party, so there is always the capacity for criticism, but my position on all these matters is consistent. Members should address the motion—that is, why the order for papers should be accepted by the House.

Ms CATE FAEHRMANN: With respect, the reason I am talking about it is because of the representations made to the committee from stakeholders.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Mr Field's motion is not about the representations that were made to the committee. It relates to correspondence that was essentially to National Party members and was then transferred on.

Mr Justin Field: Point of order: The motion requests that correspondence as it relates to the State Environmental Planning Policy (Koala Habitat Protection) 2019. That was a live issue during the inquiry. Submissions were received about it and recommendations were made about it. I do not think that is outside the subject of the motion. Mr Deputy President, I appreciate that you were giving advice. I am now asking for a more formal ruling to the point of order.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The member should address the matter before the House, not give a generalised dissertation on koalas and on a committee report that has previously been debated in this House. Another 10 seconds are available to the member. I understand her passion for the matter.

Ms CATE FAEHRMANN: It is done. I have run out of time.

The Hon. PENNY SHARPE (22:53:24): I am very happy to address the substance of this motion, which is about what sort of representations the National Party has had in relation to the koala State environmental planning policy [SEPP]. There have been a lot of claims and counterclaims. I notice that none of the National Party members have mentioned the several thousand emails that they received in support of the koala SEPP; they have all been deathly quiet about that. All that we know so far is that there was one representation to the Deputy Premier and it was from good old Jeff McCloy. There are some very serious matters here. I will not canvass the issues of the koala SEPP because they have been well canvassed by the Liberal Party and the National Party.

The key point here is that a lot of words have been said in the past week or so—"Put up or shut up" being one of the particularly delightful comments from the Deputy Premier—and now it is time for The Nationals to put up or shut up in relation to this call for papers. This is a perfectly reasonable ask. It is very important in terms of the public debate and support for this SEPP. The final thing I will say is that the matters around koalas are very serious. Koalas will be extinct by 2050. The Nationals claim they want to see koala numbers double in size yet they oppose every single action to try to save the most important thing koalas need: trees to live in.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:54:58): The Government will not be opposing this motion. I make the observation that the motion will capture documents that exist in the Minister's office but it will not necessarily capture the number of representations that have been made to Nationals members' offices and the like, and potentially the conversations those members have had with the Minister or other Ministers in relation to the issue. As I said, the Government does not oppose the motion. I understand it will at least provide a sample of the representations that have been made to the planning Minister's office. However, I caution that it does not necessarily take any of the emphasis away from the issue that may have been playing out in Nationals members' minds by virtue of the fact of the representations that have been made to them. The Government supports the motion. I note the correction that has been made to the motion that the documents be supplied within seven days, which I think is only appropriate.

Mr JUSTIN FIELD (22:56:37): In reply: I thank members for their contributions. To the point raised by the Minister for Finance and Small Business, I recognise that the order for papers will not capture correspondence or representations made by members of the public to Nationals MPs, Liberal MPs, Greens MPs or others who have concerns about this issue. What it will do, though, is capture correspondence between Nationals MPs and the three Ministers related to this issue—the Deputy Premier, the environment Minister and the planning Minister. For those constituents—if there was a large number of constituents making representations to Nationals MPs—this will be a good test of the degree to which Nationals MPs were doing their jobs in passing on information in a way that represented and reflected the concerns that were raised with them. I think that is an important test, given the import given to this issue in the media and in the Parliament by Nationals MPs in the past week. I commend the motion to the House.

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

Motion agreed to.

ICARE

Production of Documents: Order

The Hon. MARK BUTTIGIEG: I move:

That private members' business item No. 684 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BUTTIGIEG (22:58:42): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of Insurance and Care NSW [icare] relating to claims for asbestos related diseases:

- (a) all workers compensation claims, currently being managed by icare, and related correspondence, by employees of, and persons undertaking contractual work for, a State transport department or agency, for asbestos related diseases caused by exposure to asbestos while undertaking work for any State transport department or agency, including but not limited to Transport for NSW, Sydney Trains, NSW TrainLink, State Transit, Sydney Ferries, RailCorp, Sydney Metro and any predecessor departments and agencies;
- (b) a document listing the number of people each calendar year who, as a result of participation in a lung screening service, were referred to a medical practitioner for follow up;
- (c) the final minutes of the NSW Dust Diseases Board held 20 August 2015;
- (d) all policies relating to the administration of asbestos related claims by the Dust Diseases Board prior to its abolition in 2015;
- (e) all policies relating to the administration of asbestos related claims by Dust Diseases Care since its inception in 2015;
- (f) where documents returned to this order contain personal information over which privilege is claimed on the basis of privacy, redacted documents must also be returned for publication; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Members may recall that on 27 February 2020 this House passed a motion calling for papers concerning asbestos registers and health-monitoring records for workers' exposure to asbestos from the Transport cluster. The documentation that was produced revealed a systemic pattern of mismanagement of asbestos in the Transport cluster. There were several instances of asbestos registers being incomplete, being inaccessible to staff who worked in those transport entities and a general lackadaisical approach to the management of asbestos in the workplace. In particular, workers in that sector do not know whether or not asbestos exists in the workplace and, when they are told, sometimes that information is inaccurate.

Our proposed call for papers under Standing Order 52 is an attempt to determine whether or not that parlays into icare's management of workers compensation claims associated with that exposure to asbestos. Given the parlous state of the management of icare generally and the myriad specific revelations of mismanagement in documents produced to this House pursuant to successful calls for papers under Standing Order 52, we have good reason to suspect mismanagement of workers compensation claims associated with asbestos-related diseases like asbestosis and mesothelioma. For the benefit of the House I will read some of the categories of documents sought in the motion. Paragraph (a) requires production of:

all workers compensation claims, currently being managed by icare, and related correspondence, by employees of, and persons undertaking contractual work for, a State transport department or agency, for asbestos related diseases caused by exposure to asbestos while undertaking work for any State transport department or agency ...

Paragraph (b) requires production of:

a document listing the number of people each calendar year who, as a result of participation in a lung screening service, were referred to a medical practitioner for follow up ...

Paragraph (c) asks for the minutes of the NSW Dust Diseases Board held on 20 August 2015. Paragraph (d) requires production of:

all policies relating to the administration of asbestos related claims by the Dust Diseases Board prior to its abolition in 2015 ...

We have specified that because prior to 2015 the NSW Dust Diseases Board was quite a different beast to the parent board that now manages those claims. It had a more hands-on approach and a more collaborative, collegiate, industry-based approach where workers' representatives and employers' representatives were able to give input. There was particular nuance around how asbestos-related disease claims were managed. They were managed in a way that was more in touch with the human element of the particular case. My understanding is that icare manages asbestos-related workers compensation claims now using a one-size-fits-all insurance-based metric.

Essentially, this call for papers under Standing Order 52 reflects our belief that workers have been exposed significantly in the Transport cluster. The previous call for papers, which my colleague across the Chamber has lamented many times, showed systemic mismanagement of asbestos in the Transport cluster. We want to know whether those workers' subsequent workers compensation claims have been mismanaged also. Our call for papers is valid. It is limited in scope and is surgically precise. I urge the House to support the motion not only because it relates to workers' safety and systemic mismanagement of workers' exposure to asbestos in the Transport cluster, but also because we do not trust that icare is able to manage workers compensation claims for asbestos-related disease. The papers called for will flush out those matters.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:03:54): The motion before the House is a walking, talking example of the misuse and abuse of Standing Order 52. In fact, the problems

I addressed in relation to Standing Order 52 in debate on previous motions—in particular, the number of boxes of documents they called for, the number of hours required to produce those documents and the taxpayer dollars required to be spent collating them—were emblematic of the manner in which Standing Order 52 has been used by members opposite. It severely impacts on the day-to-day administration of government. Let us have a look at the depth of this call for papers under Standing Order 52. First of all it says:

- (a) all workers compensation claims, currently being managed by icare, and related correspondence, by employees of, and persons undertaking contractual work for, a State transport department ...

Stopping there, it goes back potentially 10 years, 20 years, 30 years, 40 years—however long these claims have been managed. All that correspondence. Really and truly? It then goes on further:

... undertaking work for any State transport department or agency, including but not limited to Transport for NSW, Sydney Trains, NSW TrainLink, State Transit, Sydney Ferries, RailCorp, Sydney Metro and any predecessor departments and agencies;

Where does this end and how many departments will have people going through documents to identify the compliance with this call for papers under Standing Order 52? All of this has to be done within 21 days. Again, in those circumstances there needs to be a process around the legitimacy of these claims. "We need to know" is not the reason why it should be the subject of a Standing Order 52 application. That is exactly the sort of language which is the subject of a fishing expedition. It is not as though there is information available to them about mismanagement, which they say is occurring on a day-to-day basis in relation to a particular claim, this particular claim which gives rise to this Standing Order 52 call. I continue to make this point and we should oppose every one of these Standing Order 52 calls for papers until those who bring them get the wording and the scope correct so as not to make compliance an undue burden on government.

Mr DAVID SHOEBRIDGE (23:07:18): On behalf of The Greens I indicate that we will be supporting this Standing Order 52 call for papers. I raise some matters in relation to the Government's concerns. I have not heard or seen any reference to a proposed amendment by the Government that has been circulated with the member moving this or more broadly seeking to set up what a reasonable time period would be. If the Government is serious about 21 days being difficult, then I would have thought it is incumbent upon the Government—

The Hon. Damien Tudehope: No, it is incumbent on the draftee.

Mr DAVID SHOEBRIDGE: If you will just let me finish.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I asked Mr David Shoebridge not to interfere. The Minister must do the same.

Mr DAVID SHOEBRIDGE: It is incumbent on the Government to indicate what time can be complied with. But nothing. Again, I say, if the Government's response is radio silence, it cannot expect some sort of magic mind-reading by the balance of this Chamber to work out what the answer should be. If we hear nothing from the Government, I give it this indication: silence is assumed to be consent in this space. That is what we have got: silence. The Government then says: Where do we know where to look? Do we look at State Transit, Sydney Ferries, RailCorp, Sydney Metro? It is almost as though the Minister has failed to read the opening preamble to the call for papers under Standing Order 52. For the benefit of the Minister I will read it:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of Insurance and Care NSW [icare] relating to claims for asbestos related diseases ...

That is the opening qualifier in all of this. It may well be that some of those documents further down in the Standing Order 52 motion, such as the final minutes of the NSW Dust Diseases Board and others, are not held by icare. I do not know; we will find out whether or not that is true. But for the Minister to stand there and—I am assuming accidentally—suggest that this Standing Order 52 motion will require an investigation of all of the documents held by State Transit, Sydney Ferries and RailCorp is plainly false. What icare needs to obtain in relation to asbestos-related claims—we are talking about a small class of some of the most dangerous and deadly diseases—is only in relation to the workers compensation claims that are currently being managed by icare. We have a false catastrophe from the Government with no solutions, so it is no wonder they do not succeed.

The Hon. Damien Tudehope: I wish to make a personal explanation.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I do not think you can, Minister.

The Hon. Don Harwin: He claims to have been misrepresented.

Mr David Shoebridge: It has to be an actual misrepresentation; it cannot be a debating point.

The Hon. Damien Tudehope: I have been falsely misrepresented.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I do not need interjections while I give my ruling. Standing Order 89 states:

A member who has spoken on a question may only speak a second time to explain a matter on which the member has been misquoted or misunderstood.

I do not think that the member will claim that he has been misquoted. I assume he will assert that he has been misunderstood. It then continues:

The member may not introduce any new matter.

So we are dealing with a discrete point of misunderstanding. The Minister has the call.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:11:36): In his contribution the member suggested that I said that the Standing Order 52 motion encompassed an investigation of documents held by Sydney Transit and other organisations, and that I had potentially falsely represented that. I have to say that that is—

Mr David Shoebridge: I said mistakenly.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Mr David Shoebridge will cease interjecting.

Mr David Shoebridge: Point of order—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): There is no point of order; you interjected.

The Hon. DAMIEN TUDEHOPE: Whether it is mistakenly or falsely, I want to clear up that I was not suggesting at any stage that this motion required any of those organisations to comply with it. I acknowledge that it is directed to icare. Additionally, the member suggested that "currently held" did not envisage an undue—

Mr David Shoebridge: Point of order: The member is going well beyond the clarification about being misunderstood. He is further contributing to the debate.

The Hon. DAMIEN TUDEHOPE: I qualify the misunderstanding about documents "currently held". I thought I was being entirely clear that currently held could mean documents that are 30 or 40 years old. To that extent, there is a misunderstanding in the way in which Mr David Shoebridge has approached the Government's submission, which I put on record.

The Hon. ADAM SEARLE (23:13:53): I will make a brief contribution to the motion. I remind honourable members that we are discussing workers compensation claims "currently being managed by icare". Icare has only been in existence for five years, although it is the successor to the previous scheme. Nevertheless we are talking about a fairly limited cohort of claims. It is important to remember that amongst all the scandal engulfing icare there are 52,000 workers in the general workers compensation scheme who have apparently been underpaid to the tune of about \$80 million.

The Government, although tardy in its response, has more or less acknowledged that there is a problem and says it is working through it. We know that in relation to icare's management of the general workers compensation cohort of claimants there is a fairly big management structural problem in the way in which claims are managed. We can also see that in the deterioration of scheme finances. Again, that is a significant failure of claims management.

Mr David Shoebridge: A \$4 billion deficit.

The Hon. ADAM SEARLE: I acknowledge that interjection. It is primarily a failure of claims management because the benefits for the vast majority of injured workers have been butchered in the current scheme compared to the scheme that existed previously. Unlike workers compensation more generally, there can be no suggestion that asbestos sufferers are in any way exaggerating their symptoms, malingering or otherwise engaging in any kind of fraud—claims that are often made about workers compensation claimants. In relation to this cohort of claimants there can be no such suggestion. So there is absolutely nothing wrong with this house of review making a call for papers to see whether, like with the general scheme, there is a systematic problem with asbestos claims.

Members will remember previous orders under Standing Order 52, agitation in budget estimates hearings about asbestos registers held by RailCorp and information about the way in which those matters had been handled by various government agencies. The Government fought tooth and nail against those calls for papers and did its best to not meaningfully respond to them. On this side of the House we have systematically chased them down. I acknowledge the work of my colleague the Hon. Mark Buttigieg in that respect. The Government has form in

not being up-front about these matters. We have the clear example of the failures of icare with the general cohort of claimants and we need to make sure asbestos sufferers are not being treated in the same manner.

The Hon. WES FANG (23:16:01): I have listened intently to this debate for a number of reasons, one being that I have an interest in what is occurring at icare. I make a couple of points about the contributions that members have made so far. The first is that obviously the icare issues have been well ventilated, as they have been again tonight. However, prior to the 2020 review of the workers compensation scheme there was the 2019 review of the Dust Diseases Scheme in which a number of members participated, including Mr David Shoebridge. In that inquiry we looked at a number of issues but I cannot recall icare's mishandling of asbestos cases being raised as an issue during that quite lengthy and in-depth inquiry.

In my limited time in this place, my experience has been that a call for papers under Standing Order 52 is typically sought on an issue that has at least some suspicion of being in existence. It appears that the arguments from those opposite are, "We just want to know and we think there may be an issue." There does not appear to be any justification or support for the belief of those opposite that there may be an issue or an issue may have appeared. So this very much appears to be a fishing expedition. That sets a very dangerous precedent in this House. There are a number of other avenues through which we can look at these issues. I suggest that the dust diseases inquiry would have been a very good one. In fact, we did a lot of investigation into icare's handling of asbestos-related cases. We have got a fishing expedition that is going to be time and resource intensive, particularly for icare. We already know that morale at the organisation is low. I think unsupported allegations like this will only add to that. Having addressed that, I will address Mr David Shoebridge's comments that silence is—I want the right word here—consent. To suggest that silence is consent is a very dangerous thing to say on any level. I think it should be retracted. It should be apologised for. [*Time expired.*]

The Hon. SCOTT FARLOW (23:20:48): I oppose the Standing Order 52 motion. I echo the comments made by the Leader of the House and also the Hon. Wes Fang when it comes to what is before the Chamber now. It is not just a fishing expedition but really a fishing trawler that is looking for documents. The requirements for such data collection would require countless hours of redacting people's personal information. Each file can cover up to 50 years or more in some circumstances. Of course, these are live cases with icare, but they can go back for a very long time. The details are extensive and very difficult to redact.

Consider some of these documents and what it would require. Something like medical documents could include scans, imaging, imaging reports, doctors and specialists reports, pathology and histology results. These are not only about a dust disease but about any other health condition that may impact on the lungs and the worker's fitness and therefore affect the rate of compensation apportionment of the claim to the dust disease. They include asthma, diabetes et cetera as well as other related medical history such as smoking. If we had to look at the work history, we would need to present detailed employment history showing where and when they worked and the level of exposure at each workplace. These are collected in narrative format and will often extend for six or more pages. They are not just simple things where we can cross out a name here and there. It requires extensive staff hours preparing these documents for Parliament and dealing with financial details, the bank account details which are held, income details, Centrelink entitlements, tax file numbers, pay slips and bank statements.

The same is required for all dependents associated with the case. The dependent information that would need to be provided includes evidence of relationships such as marriage certificates, personal contact details of all dependents, financial information of all dependents and so forth. This is not just a simple Standing Order 52 that would require government documents. It would be an extensive operation for those within icare to prepare those documents for the benefit of this House and for the member, who has really outlined no intent. This is a massive overreach from the Opposition. We already have a room full of boxes upon boxes of documents, many of which are never inspected. It is something that this House cannot continue to support and would really cripple an organisation that, as the Hon. Wes Fang has remarked, is going through some challenging times at present.

The Hon. MARK BUTTIGIEG (23:23:21): In reply: I will address some issues that were raised. Heaven forbid after the rank, incompetent maladministration of the organisation, which a previous Standing Order 52 exposed, opposed up hill and down dale by those opposite, that we would want to find out whether they were properly managing asbestos-related disease workers compensation claims. Heaven forbid we would have the temerity to do that. I will give members an example of what the previous return turned up. For those opposite who suggested that there are rooms full of boxes that have never been gone through, I can take them through the evidence if they like, but I will give a little snippet. The failure of Transport for NSW and Sydney Trains to take seriously the issue of asbestos exposure is demonstrated throughout that return, including workers at Wyong, Blacktown, Moree, Wollongong, Town Hall, Kogarah and Liverpool stations.

For instance, in January 2019 workers were advised that there was no asbestos where they were working at Wollongong station. They then discovered, and were exposed to, asbestos while working. In April workers were yet again exposed as there had been a failure to update the register. When health and safety representations

by workers were made, those concerns were not addressed. Heaven forbid we would want to find out whether claims with icare related to those exposures have been managed properly, given the litany of mismanagement we have seen. The offending paragraph is (a). Could I please be informed how we could have narrowed it down any further? It states:

(a) all workers compensation claims, currently being managed by icare ...

It means that if a person has an active asbestos-related workers compensation claim with icare, we want to know what it is about and if it has been handled properly. A case might go back 40 or 50 years, but how is it suggested that we word the motion? Should it be "all future claims" in case they come back? We want to know about active claims, which will be limited in nature, because by the very definition it is claims "currently being managed". We could have opened it up to everyone. We would have been quite within our rights to open it up beyond the transport cluster, given the litany of maladministration we have seen. These are spurious arguments, as they always are with every Standing Order 52 motion and we should use the power of this House to scrutinise workers' health and safety.

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

The House divided.

[In division]

The PRESIDENT: I again remind members about social distancing and sitting where there is a marked spot. I am informed that a lift on level 10 was jammed. If there is no objection, I will allow the bell to be rung for one more minute.

Later,

The PRESIDENT: I remind members to remain standing where they are and not move back and forth. You do not get counted twice when you move. I indicate that the tellers are permitted to move around the Chamber because of the unusual circumstances, but only the tellers.

Ayes20

Noes18

Majority.....2

AYES

Banasiak
Borsak
Boyd
Buttigieg (teller)
D'Adam (teller)
Faehrmann
Field

Graham
Houssos
Hurst
Jackson
Mookhey
Moriarty
Pearson

Primrose
Searle
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)
Franklin

Harwin
Khan
Latham
Maclaren-Jones (teller)
Mallard
Martin

Mitchell
Nile
Roberts
Taylor
Tudehope
Ward

PAIRS

Donnelly

Mason-Cox

Motion agreed to.

Personal Explanation

PERSONAL EXPLANATION

Mr DAVID SHOEBRIDGE: I wish to make a personal explanation.

Leave not granted.

*Documents***WAGES TASKFORCE POLICY****Production of Documents: Order**

Debate resumed from 27 August 2020.

The Hon. ADAM SEARLE (23:40:20): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Department of Premier and Cabinet, Industrial Relations Secretary, the Treasury, Ministry of Health, Department of Communities and Justice, or the Commissioner of Police relating to the Wages Policy Taskforce:

- (a) all correspondence, including emails, since 1 January 2019 sent from or received by the Treasury and the Wages Policy Taskforce regarding bargaining parameters; 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.

This matter was adjourned to facilitate the making of a ruling by the President about whether or not the subject matter of the motion should more properly be dealt with by way of an address to the Governor pursuant to Standing Order 53.

The Hon. Damien Tudehope: Correct.

The Hon. ADAM SEARLE: That was because it concerned, in the words of the current Standing Order 53, the administration of justice. As I outlined when bringing this matter on for debate, the documents referred to in the motion sought to be produced by the Government are the bargaining parameters set by the Wages Policy Taskforce, part of an emanation by the Treasury, to guide your public sector agencies in their discussions with their workforce and relevant unions about bargaining for fixing of wages and conditions going forward.

The Hon. Damien Tudehope: Are you going to give us all the unions' modelling?

The Hon. ADAM SEARLE: No. I do not have access to them. The reason the bargaining parameters are sought is that the matter has been a long-running controversy during the year about the Government's attitude towards what the wages of public sector workers would be. There was long-running speculation that the Government would make efforts to have what it regarded as zero per cent wage increases once various awards fixing wages came to their end at the end of June. It is a matter of record that subsequent to all that speculation the Government settled upon a policy, which it called a wage freeze and which it sought to have effected by way of a regulation made pursuant to section 146C of the Industrial Relations Act. That section of the Act enables the declaration of certain paramount policies which bind the Industrial Relations Commission in the exercise of its arbitrary powers.

It is a matter of record that on a motion proposed by me and supported by a majority in this House that regulation was set aside. It was only thereafter that minds in a concrete sense turned towards proceedings in the Industrial Relations Commission. Although it may be said that the documents being sought by our motion under Standing Order 52 certainly are highly relevant to those proceedings, they do not themselves concern the administration of justice. That was a point of order taken by the Leader of the House. We both reduced our views on this matter to writing for the President and the President made his ruling. I do not cavil with the President's ruling but I point out that two cases were relied upon by the Leader of the House when promoting the idea that somehow the motion was out of order. One was the Rogerson case, which says the course of justice commences only with the filing of a process. The other was the Public Service Association case, in which five of the six justices held—wrongly, in my view—that fixing or varying of awards is arbitral and not judicial.

In any case members may be satisfied that the passage of this motion will not interfere in the administration of justice and will not interfere in the running of those cases. What it will provide the House is the means by which to scrutinise the way in which the Government has pursued its wages policy and an opportunity to look inside the advice coming from various agencies about how the Government set out to guide those agencies in how they discussed wages and conditions with the workforces and relevant unions.

That is important because we know what the Government said on the record about these matters both in the public domain and in proceedings of the commission. It is our job to hold the Government to account and see whether or not it has maintained a clear and consistent position. Has the Government been faithful and truthful with its workforce and the wider public or, as has happened on occasion, has it spoken with forked tongue on these matters? I earnestly ask members to support this Standing Order 52 call for papers.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:45:11): I will start by making the same observations I have made previously about Standing Order 52. This is another Standing Order 52 call for papers and another imposition on the Government. Having said that, the terms of the documents being sought are reasonably able to be confined. However, I want to make the following points. I do not quibble with the ruling of the President.

The Hon. Adam Searle: Wise man.

The Hon. DAMIEN TUDEHOPE: Indeed! However, the documents being sought on this occasion demonstrate how those opposite have become puppets of a litigant or an appellant before another tribunal. On any view of it, it is a gross abuse of power to seek these documents. This is a serious matter for what is just a base political point. What Labor is seeking to have released are the private deliberations and documents of the Government in relation to the wages case that is currently being litigated. It is one side's private deliberations in relation to how it is going to conduct its case. Labor is seeking to use the powers of this place to advantage one side—their mates—in the dispute relating to a wages determination.

Imagine what would happen if this principle were to be applied to the Director of Public Prosecutions and criminal cases. Imagine if members used the provisions of Standing Order 52 to allow defence counsel to access every internal deliberation of a prosecution. There are reasonable disclosure provisions in the court system but they do not extend to the breadth of documentation demanded in this motion. The motion before us is effectively seeking to have one side entirely disclose its bargaining position while the matter is still being adjudicated through the Industrial Relations Commission [IRC]. Labor is doing this because the unions have told it to do so. The puppets on the opposite side of the House just do what whatever Sussex Street demands they do. If the Public Service Association says "Jump", they say "How high?"

This is an important point: The documents caught up in this motion include a range of documents that have already been sought by the unions in the IRC. They were sought in the IRC but they were rightly denied to them in that place. Now they have come to this place to demand the same documents when the commissioners have rejected their application for those documents. What an abuse of power. They were denied those documents because the commission rightly ruled that the documents were subject to a public interest immunity exemption. Instead of accepting the decision of the commission, the unions have tried to subvert the decision by engaging in an end run around that ruling. They have called up their mates in Labor and said, "Hey, Leader of the Opposition, we want you to get the Government's bargaining position so that we can know how far they will go."

This is an absolute and gross abuse of Standing Order 52. It is part of a pattern of behaviour that we have come to expect from the use of Standing Order 52 motions. They are willing to sell out the taxpayers of New South Wales to benefit their mates in the public sector unions. This is not the first time they have done it. They did it over the original 2.5 per cent wage rise cap for public servants, they did it for TAFE and other sectors and they continue to do it. With the level of trade unionism in Australia having collapsed to around 15 per cent of the workforce, all members opposite have left are the public sector unions. We all know there is a bitter battle between the Labor left and The Greens for control of those unions. I am sure we will hear from Mr David Shoebridge shortly.

The rivers of gold that flow from workers' pockets to the Labor Party via union dues are a very attractive prize. We on this side of the House have a greater duty and that duty is to look after all of New South Wales, not just our mates. More importantly, we have a duty to let the process play out in a fair and proper way. I made an observation of the Leader of the Opposition. I asked would he be prepared to provide the union's modelling in relation to their bargaining position. Quite rightly, he said, "I do not have access to it." This is what we are faced with. If they have come to this place to get a document that has been refused to them by the commissioners—that is, the Government's bargaining position—shouldn't they on any view of it say, "We will give you ours." We will have a swap of documents so that everyone knows that the players are on the same field.

In this case they are using and abusing this process to make sure that they get to the position which was denied to them in the Industrial Relations Commission. It is a shameful abuse and, in many respects, it goes to the whole problem of the manner in which Standing Order 52 motions ought be addressed and reined when they are being abused. There are lots of lawyers in this place. If anyone went to court and one side was ordered to hand over all the negotiating positions that they may have in relation to a claim but the other side was not, you would hardly say that was justice. That is not how you would run a fair and proper system, yet that is exactly what is going on here.

Let us call it what it is. It is a process that is being abused in order to thwart the decision of a commissioner that there was public interest immunity in relation to the documents. The Opposition is now asking for those same documents in this place, which is a fundamental abuse of the system. It is being litigated in this House tonight. I will be delighted to hear from Mr David Shoebridge. I will finish with those remarks. Having practised as a

lawyer, to be faced with the circumstance where one side seeks to avail themselves of this process in this manner I find an appalling abuse.

Mr DAVID SHOEBRIDGE (23:53:31): On behalf of the Greens I indicate our support for this Standing Order 52 application. I will say a number of things in relation to the contribution by the Minister. Firstly, this Standing Order 52 application seeks all correspondence, including emails, since 1 January 2019 sent from or received by the Treasury and the Wages Policy Taskforce regarding bargaining parameters. It could be expected that the vast bulk of those documents will predate any efforts by this Government to bring proceedings in the Industrial Relations Commission. That was only I assume—if we believe the Government—in response to the terrible economic impacts of the epidemic that occurred in 2020.

The vast bulk of those documents, one would presume, predate, and therefore cannot be in relation to, the legal proceedings. Further, one of the key issues in those proceedings will be the capacity of the Government to pay, and that is a matter upon which there should be full transparency by the Government in any proceedings. One would expect that whatever the Government has said to the commission about the capacity to pay will be backed up by the documents from the Wages Policy Taskforce regarding the bargaining parameters that it has.

If those documents were created for the purpose of these proceedings, and there is a subset of those documents created for the purpose of these proceedings, it is within the capacity of the Government for that specific subset of documents to make a public interest immunity claim in relation to the production of materials and then that can be determined in due course, provided it is a valid and bona fide claim. We have seen repeated, non-valid and non-bona fide claims by this Government. So the idea that somehow the walls of justice will come crashing down if this Standing Order 52 motion is passed—that this is solely related to legal proceedings—is plainly not sustainable. Finally, I state that The Greens NSW do not take any donations from organisations.

The Hon. SCOTT FARLOW (23:55:49): I speak against the current Standing Order 52 application seeking all correspondence or emails relating to the Wages Policy Taskforce bargaining parameters. If this resolution is passed it will significantly undermine the ability of the Government to bargain around possible future areas of reform to improve the productivity and efficiency of the Government to the benefit of the citizens of New South Wales. If there have been any thoughts or discussions around reforms to modernise the public sector that have been considered they will be tabled and included for consideration by wages policy. It does not mean that they will be progressed or that they have been, but this Standing Order 52 motion will pick up every aspect of every document considered by the Wages Policy Taskforce.

If those documents are provided it may reveal internal analysis and strategy around public sector reform, including those which are not approved prior to any negotiations that have even commenced, what the impacts may be, the benefits and, of course, the likely outcome. Agencies are required to submit, six months prior to the expiry of any industrial agreement, their proposed bargaining parameters once these are considered by the Wages Policy Taskforce and may be approved or referred to the Expenditure Review Committee. The impact of future negotiations cannot be overstated if all the documents sought are provided, and that is a reason for the House to oppose this motion.

The Hon. ADAM SEARLE (23:57:18): In reply: I thank all honourable members for their contributions. I make three points. First, the documents will not reveal private deliberations of one side in a wages case. Those documents should have existed prior to these proceedings being considered and it should be a window into what the Government was telling itself about things such as bargaining parameters around capacity to pay and related issues. Being able to evaluate those as a house of review is an important matter and does not intervene in the current cases necessarily.

Secondly, I do not have total knowledge of what transpired in the Industrial Relations Commission [IRC] proceedings, but my understanding was that while some of those documents were sought by way of a notice to produce and were declined, I do not understand there to have been a ruling by the commission on the issue of any public interest immunity claim, although that may have been the basis upon which the notice to produce was not complied with. Of course, a notice to produce is not enforceable; it is an inter-parties application and it is not enforceable in the same way as a summons is in the IRC. If the Government does believe they are subject to a public interest immunity claim it will make a privilege claim when the documents are returned to the House.

Mr David Shoebridge: As long as it is bona fide.

The Hon. ADAM SEARLE: Assuming it is bona fide. Members can be satisfied that nothing untoward has been proposed this evening by me.

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

The House divided.

Ayes20
 Noes18
 Majority.....2

AYES

Banasiak
 Borsak
 Boyd
 Buttigieg (teller)
 D'Adam (teller)
 Faehrmann
 Field

Graham
 Houssos
 Hurst
 Jackson
 Mookhey
 Moriarty
 Pearson

Primrose
 Searle
 Secord
 Sharpe
 Shoebridge
 Veitch

NOES

Amato
 Cusack
 Fang
 Farlow
 Farraway (teller)
 Franklin

Harwin
 Khan
 Latham
 Maclaren-Jones (teller)
 Mallard
 Martin

Mitchell
 Nile
 Roberts
 Taylor
 Tudehope
 Ward

PAIRS

Donnelly

Mason-Cox

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The PRESIDENT: It being past midnight, according to sessional order proceedings are interrupted. I propose:

That this House do now adjourn.

STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019

The Hon. MARK BANASIAK (00:08:36): It is of the highest insult that last week we saw another act added to the theatrical farce that is John Barilaro and The Nationals. Nine months after the koala State environmental planning policy [SEPP] was snuck through during the summer bushfires to wreak havoc on private landholders, private native forestry and forestry alike, The Nationals want to play a political game with it. This is political treachery. For nine months I have been speaking with private landholders whose properties have lost value because they can no longer develop it, farm it or subdivide it. They have lost their ability and their freedom to do what they want or to do what they think is best on their own properties.

Timber mills, private native forestry operations and other forestry operations can no longer expand their businesses or take out loans to buy new machinery or update old machinery because they cannot guarantee that they will have a secure supply of timber into the future—all because this Government wants the green vote. I want to make it clear that this koala SEPP has nothing to do with koalas. If it did, it would look completely different. What this SEPP does, and indeed many other environmental planning instruments do, is erode the freedoms of peri-urban, regional and rural private landholders off the back of flawed science, incorrect mapping and the promise of a substantial green city vote.

Last week I was in Gum Scrub, near Kempsey, talking to Hayden Timbers about the serious impacts that this SEPP has had on them and other businesses like them. Timber mills no longer have a secure timber supplier, as more and more areas are being locked up under the SEPP. There are now over 100 more defined feed tree species than were outlined in the last koala SEPP. At the mill I was told the story of a private landholder who had a koala SEPP slapped on his property. He wanted to remove three trees which were not koala feed trees. He attempted to negotiate with the public servant and would have happily replaced those three trees with 15 actual koala feed trees. In essence, he would provide a koala habitat where one did not previously exist. But no deal was struck. I repeat, this has nothing to do with koalas.

I questioned the Deputy Premier in the March budget estimates hearings about his feelings towards the SEPP. He agreed that we were on a unity ticket in relation to it. He had concerns over the number of feed trees going from 10 to 123 and agreed with me that the 18-year figure of koala sightings in core koala habitats was corrupted. His words were, "I have concerns around the data that is justifying the SEPP 44." That was May 2020. The SEPP was gazetted in December 2019 and then signed off by the Deputy Premier himself. He either read it and signed off on it or did not read it and signed off on it anyway. At that point we were still waiting on the guidelines but stakeholders already knew that there would be major issues. That is quite significant because the guidelines set out the requirements for the development of koala plans of management that local councils implement and then use to prepare and assess development applications. Those guidelines are still under consideration. When I asked the Deputy Premier whether he would oppose the guidelines if he was not happy with them when they came back from budget estimates he said:

As the Deputy Premier and someone who sits in the Cabinet, I have a number of means of how we could raise the issue and how we can find a solution.

It seems completely absurd to me that in September 2020 the guidelines are still under consideration, yet there are development approval [DA] rejections all over the State off the back of the koala SEPP. How can that be, when the very instrument that is supposed to influence the local council's DA process is not even complete? This duplicity should be something that even The Greens and Labor would question. Why is what was presented to stakeholders in 2016 totally unrecognisable today in its gazetted form? It is a deliberate deception of the public, with councils blindly citing the SEPP despite having no guiding instrument. The nature of the beast is completely obvious when the facts are considered.

This week another private property owner from the Wollondilly local government area, named Tony Kazmouz, approached me. Tony is a father of eight who wishes to develop his land. It is his lifelong dream to bring his kids up on a property to farm, to grow fruit in orchards and to build a place for himself and his family and another for his parents for their retirement. It is something that he has been working towards his whole life. Tony's dream also fits in well with the Government's push for people to move out to the regions and make the regions prosper. An intelligent person might think that the Government would want to offer incentives for people to do that. Instead, when Tony submitted his DA to the local council, he was told that in less than a year of purchasing a property zoned RU2 he now has a rezoned property of E2 and can no longer develop the site. I have downloaded Tony's application. The amount of SEPPs that apply to it make it a three-page document—and, of course, the koala SEPP applies. I thought that the Premier said she wanted to stay out of people's lives.

AIDS PANDEMIC

The Hon. TREVOR KHAN (00:13:38): In an article published today, health reporter Olivia Willis told the fascinating and tragic story of a person she named Harvey. Many in this House are too young to remember how the AIDS pandemic of the 1980s unfolded. It was certainly a different time but it is worth noting that the crisis was resolved by strong and effective apolitical leadership and a commitment to a science-led approach. The lessons that we learned then have helped to inform our approach now. Not everything was done correctly and particularly those on the periphery sought to take advantage by stoking fear and prejudice.

Ms Willis describes how in 1981 a 72-year-old man named Harvey was living in central Sydney. His case notes, held by Royal Prince Alfred Hospital, revealed no next of kin or indeed any hospital visitors. They paint a particularly sad picture. In February 1981 Harvey fell ill with night sweats and lost weight. Finally in August he was admitted to Royal Prince Alfred Hospital, by which time he was frail, thin and feverish. Harvey's condition worsened and he began to struggle to breathe. He was diagnosed with pneumocystis pneumonia—a rare but serious lung infection that particularly affects people with weakened immune systems. His condition did not respond to conventional treatment with antibiotics and 39 years ago, in September 1981, Harvey died. The underlying condition that caused Harvey's death was a mystery and remained that way for over a decade.

Ms Willis records, and those of us older members remember, that around this time in California a cluster of unexplained cases of pneumocystis pneumonia began to show up amongst gay men, as well as cases of a previously rare skin cancer called Kaposi's sarcoma. In December 1982 an American tourist reported to St Vincent's Hospital in Sydney with a bad cough and other infections. Professor Ron Penny, who led the hospital's immunology unit, sent blood samples to the Centre for Disease Control and Prevention in Atlanta, where it was confirmed that the man had AIDS. It was the first time AIDS had been diagnosed in Australia.

Between 1983 and 1985 HIV spread quickly; in the order of 4,500 principally gay men were diagnosed in Australia. That brings us back to Harvey. In 1993 Dr John Gerrard was working as a junior doctor at the Royal Prince Alfred Hospital. Going through old records of pneumocystis pneumonia patients, Dr Gerrard stumbled upon Harvey's case. Fortunately some of Harvey's tissue samples had been preserved from an operation. The

results of tests on those tissue samples resulted in Harvey becoming Australia's earliest known case of AIDS and pushed back the timeline of HIV in Australia by more than a year.

No-one will ever know how or when Harvey became infected. We will never know whether he infected others. However, we are reminded of the extraordinary effort of the scientists who, in Australia and throughout the world, were responsible for saving the lives of so many with that disease. We are also reminded of the human tragedy of this disease. So many young men died terrible deaths; that is terribly sad. I remember the words of Timothy Conigrave, author of the novel *Holding the Man*. He ended his novel with words he addressed to his dead lover, John Caleo. He said this:

I guess the hardest thing is having so much love for you and it somehow not being returned. I develop crushes all the time, but that is just misdirected need for you. You are a hole in my life, a black hole. Anything I place there cannot be returned. I miss you terribly. Ci vedremo lassù, angelo.

ABORIGINAL ARTEFACTS

The Hon. ANTHONY D'ADAM (00:17:33): On 29 April 1770 Captain Cook recorded in his journal an encounter with the Gweagal people of Botany Bay. The exact date is not clear because Joseph Banks had the events occurring on the previous day in his record of the encounter. Banks' account is the more detailed of the two. He recorded as follows:

After dinner the boats were mann'd and we set out from the ship intending to land at the place where we saw these people, hoping that as they regarded the ships coming in to the bay so little they would as little regard our landing. We were in this however mistaken, for as soon as we approached the rocks two of the men came down upon them, each armed with a lance of about 10 feet long and a short stick which he seem'd to handle as if it was a machine to throw the lance. They call'd to us very loud in a harsh sounding Language of which neither us or Tupia understood a word, shaking their lances and menacing, in all appearance resolv'd to dispute our landing to the utmost tho they were but two and we 30 or 40 at least. In this manner we parley'd with them for about a quarter of an hour, they waving to us to be gone, we again signing that we wanted water and that we meant them no harm. They remain'd resolute so a musquet was fir'd over them, the Effect of which was that the Youngest of the two dropt a bundle of lances on the rock at the instant in which he heard the report; he however snatch'd them up again and both renew'd their threats and opposition. A Musquet loaded with small shot was now fir'd at the Eldest of the two who was about 40 yards from the boat; it struck him on the legs but he minded it very little so another was immediately fir'd at him; on this he ran up to the house about 100 yards distant and soon return'd with a shield. In the mean time we had landed on the rock. He immediately threw a lance at us and the young man another which fell among the thickest of us but hurt nobody; 2 more musquets with small shot were then fir'd at them on which the Eldest threw one more lance and then ran away as did the other. We went up to the houses, in one of which we found the children hid behind the shield and a piece of bark in one of the houses. We were conscious from the distance the people had been from us when we fir'd that the shot could have done them no material harm; we therefore resolv'd to leave the children on the spot without even opening their shelter. We therefore threw into the house to them some beads, ribbands, cloths &c. as presents and went away. We however thought it no improper measure to take away with us all the lances which we could find about the houses, amounting in number to forty or fifty.

Cook's possession of the Gweagal artefacts arose from an act of frontier violence. What is evident from the journal entry is that the Aboriginal men who encountered Cook's landing party resisted an unwelcome incursion. They were assaulted. Their property was stolen and never returned. Despite Banks' assertion, it was "improper". It was theft. It foreshadowed the wholesale dispossession of Aboriginal people with the arrival of the First Fleet 18 years later. The items taken by the landing party are now held in museums in Europe. British and other European institutions acknowledge that the acquisition of the shield and spears was a result of colonial pillaging, but they are happy to display them as their property.

While in Bermagui for the Eden-Monaro by-election I was privileged to meet Rodney "Murrum" Kelly, a descendant of the Gweagal warriors who confronted Cook in 1770. Mr Kelly argues that the artefacts should be repatriated to New South Wales and used to educate the public about Aboriginal communities and the brutal impact of colonisation. I support his call for repatriation and truth-telling about our country's colonial origins. All levels of government should be united behind Mr Kelly's campaign and demand that the Gweagal spears and shield are returned. I have written to the Aboriginal affairs Minister, the Hon. Don Harwin, to seek his support for Mr Kelly's campaign and to ask the New South Wales Government to support the return of the Gweagal artefacts. I am yet to receive a formal response but I am advised that one is imminent. I would encourage the Minister to utilise the facility under Standing Order 33 to take the opportunity to make a statement in reply to this adjournment speech at the earliest opportunity.

GREYHOUND WELFARE & INTEGRITY COMMISSION

The Hon. ROBERT BORSAK (00:22:08): We knew that the fight for greyhound racing in New South Wales would not be an easy one, nor a quick one. This Government is hell-bent on getting the green vote, so we see that ambition in the form of its decision-making bureaucrats wielding clear agendas in offices they should not be in. In greyhound racing it is the animal rights agenda. The Greyhound Welfare & Integrity Commission [GWIC] is the conduit through which that agenda is being delivered. The Baird brain snap of GWIC was designed to ensure compliance and welfare in the industry, and has since seen the operating costs blow out from \$9 million when it was it was operated by Greyhound New South Wales to over \$15 million now. This blowout can largely be accredited to the absolute overreach of power that GWIC now has on the industry.

It now operates as the regulator and pays three commissioners at an accumulated cost of over \$1 million per year. It seems excessive to have three commissioners when so many participants are dropping out and so many tracks are being shut down because the industry is losing its viability under the governing body. I have asked this before in this place and I will ask it again: What are the three commissioners up to that they demand such a high wage when most other industries only need one? How do they justify that extra \$6 million spend each year when all they do is systemically shut down industry participants one by one?

GWIC needs to be cut down to size before it ends an industry that is integral to rural and regional culture. It needs to be made more efficient, flexible and responsive to the commercial requirements of the industry. It needs to seek input from stakeholders and participants. No more apparent was this than when the code of practice was published on 1 July this year. You could drive a team of sled dogs through the holes in the code. It lacked any participant input, right down to the definitions. GWIC has a monopoly on the advice and the submissions that influence the code of practice and indeed most decisions made for the industry. This is of great concern when one considers recent decisions made by its CEO, Judith Lind, against participants for feeding dogs knackery meat.

I make clear that greyhound racing is done for the love and culture, not for the money. When feeding their greyhound dogs, owners want to give them the best nutrition they can afford. Often, that is knackery meat. It seems that the GWIC CEO has a personal problem with the use of knackery meat. Recently four rulings were made against feeding knackery meat to dogs. Nowhere does the code of practice say that that cannot be done. Yet, four people have received suspensions ranging from 20 to 26 weeks. In one ruling, Mrs Lind concluded her determination with the comment "Knackery meat is an unacceptable practice and must stop". There it is—the personal preference of the GWIC CEO now trumps all.

What does it mean for greyhound racing when the CEO has an animal rights agenda? It means that what the industry suspects is happening is, in fact, happening. GWIC is strangling the industry. It is death by a thousand cuts: increasing compliance costs, justified by the need to implement more "reform panel" recommendations. Adding to that are heavy fines on members who do not comply. Compliance is very difficult when the industry is under constant reform. Now the GWIC CEO has an animal rights agenda, dictates what meat can be fed to dogs and fines those who do not comply with her ideology. Not even the Minister for Better Regulation and Innovation agrees with the CEO about knackery meat.

However, there is no appeal option for those found in breach. In one of the knackery meat cases, the primary issue was the small amount of a prohibited substance found in the dog's blood. It is known that the prohibited substance is found in horse meat and is not used to enhance dog performance. When taking disciplinary action, the commission allegedly considered a range of evidence, despite the fact that the participant had been in the industry for 18 years and had no previous disciplinary history. The expert advice it received stated that, indeed, the prohibited substance came from knackery meat and that the estimated levels of the prohibited substance were considered very low. None of that mattered; the participant was suspended for 20 weeks because the CEO does not approve of the use of knackery meat. GWIC even wishes to regulate dogs that have been adopted out of the industry. It is unnecessary over-regulation and expensive control. An immediate review is needed on the funding and operations of GWIC before its agenda destroys the greyhound racing industry.

YOUTH SUICIDE

The Hon. CATHERINE CUSACK (00:26:13): This year is the thirtieth anniversary of Daryl Braithwaite's iconic song *Horses*, which is guaranteed to put every Australian audience into a swoon. The words "If you fall, I'll pick you up, I'll pick you up" are sung again and again with great affection and conviction. The song was penned by Ricky Lee Jones in 1989 for her daughter Charlotte, who was born a year earlier. I wonder if our passion for the song is amplified by our humble inability to find our own words in situations where loved ones are struggling. For centuries, society and culture have deemed mental illness and suicide shameful: something to be covered up and not discussed. I have read of factors that contributed to the taboo. One of the simplest and most convincing is that suicide is genuinely frightening. The concept of suicide contagion has curtailed media coverage. That is a well-intentioned policy. However, the silence tends to pass unspoken judgement and blocks much-needed awareness and information, instead affirming the worst types of speculation and stigma.

The Sunday Telegraph is running a powerful campaign called Can We Talk, which carefully raises awareness of youth suicide and distress and focuses on potential solutions. It began in 2015 and 2016 with the Can We Talk forums, held in Sydney and major regional centres. Deputy Editor Claire Harvey explained that the forums were organised in response to immense reader feedback following a series of suicides of very young children. She states:

Our readers were telling us they really wanted to know more, they were having similar concerns about their own children, they didn't know where to turn and they felt that there was a taboo about the whole issue ... We have discovered that a lot of parents across

Sydney and across NSW have really no idea how to tell if their child is depressed or suicidal, what the warning signs are or who they can reach out to for help if they need it.

I have read nearly 30 stories and commentaries published by *The Sunday Telegraph*. It is a magnificent effort. Lead journalist Ben Pike wrote an amazing piece earlier about the death of his father. Reporter Georgia Clark has shared her remarkable account of her own attempt to "end it all". I thank them both.

I acknowledge the devastated families of Ethan Day, Jonah Waterson, Darcy Bond and Claudia Neale, and the other beautiful young people we have lost. Their generosity in sharing their tragic insights in order to teach us what they have learned has been incredibly helpful to me and everyone following this important series in trying to understand and know what to do. *The Sunday Telegraph* has sought and reported the advice of experts, including some clear suggestions for parents about how to talk to their kids. There are policies for schools to better meet student needs with consistent and effective anti-bullying policies, more counsellors and mental health first aid for teachers. I reflect on the issue of teachers.

In 2012 I was a member of the Committee on Children and Young People and I initiated a hearing in Lismore so that the committee could take evidence from Dr Anne Graham, Director of the Centre for Children and Young People at Southern Cross University. She told us of extensive research with children of all ages in all settings. One question asked was, "What is the one thing that can be done to make a positive difference for your wellbeing and success at school?" The overwhelming answer was, "A teacher who knows me and likes me." We then took evidence from young people in the centre's Young People Big Voices project and I will quote some of them. Ms Hort said about school counsellors:

I kind of liken it to school photographers. You go in there and they say "smile" and it is like: What am I smiling about? Why should I pour my heart out to you? Who are you? Why should I trust you?

Mr Rodwell said:

School counsellors are textbook. You walk in, you sit down, they patronise you ... they read from the text book, they get you out, they get the next kid in. They do not actually understand what you are going through ... They put a bandaid on. It is the bandaid theory.

Mr Stevens said:

They are not qualified for the job I think. They are meant to counsel you but they do not. They just sit there and ask you question after question after question and then say, "Alright, see you next time." When you come back the next day they ask you your name again. They do not even know you ...

The message is clear and powerful—young people want to confide and find it easier to seek help from someone they know and trust. So teachers are vital to student wellbeing.

In the short time available I voice my disappointment in Byron Shire Council and Byron police, who gathered as a group together to tell year 12 school leavers—who have already been through the worst year possible due to the pandemic—that they should not come to Byron for schoolies. By all means tell them it is not going to be the same this year and let us have a safe COVID schoolies, but these kids have lost so much. They deserve to be valued and made to feel welcome at this special time. Let us make something of it for them because these kids matter too. Let us show them we care.

UNIVERSITY JOB CUTS

The Hon. MARK BUTTIGIEG (00:32:59): Our universities are public institutions of great importance to our State's economy. Tertiary education is vital. It is our fourth largest export after iron ore, coal and natural gas and it has been amongst the hardest hit sectors of the New South Wales economy during the COVID-19 crisis. Thousands of casual and fixed-term contract workers have already lost their jobs, and up to one in five jobs are at risk at campuses across New South Wales. Despite this, the Berejiklian Government has continued to disregard the magnitude of the crisis. Sadly, for university workers across our State without crucial support there has been a devastation of the sector. The following demonstrates a portion of that devastation.

The University of New South Wales has stated 493 full time jobs will be cut and it faces a \$370 million financial gap in 2021. The University of Technology Sydney faces a revenue shortfall of \$200 million and expects up to 500 jobs to be cut. Charles Sturt University, with 32 per cent international students, is looking at a loss of approximately \$80 million and reportedly 220 jobs will be axed over the next two years. Southern Cross University projects a shortfall of \$38 million and is reportedly axing an approximate 100 jobs—71 voluntary redundancies have already occurred.

The University of New England announced a plan to cut annual costs by \$20 million, with staff costs to be about 12 per cent to 15 per cent, which would see up to 210 jobs cut. Macquarie University announced \$120 million in staff cuts and the National Tertiary Education Union [NTEU] has said that the University of Sydney is considering staff budget cuts of up to 30 per cent. The NTEU and Labor's shadow tertiary education

Minister, Clayton Barr, have been urging both the Berejiklian and Morrison governments to take action to help universities and save jobs. Without sufficient intervention from the Liberal-Nationals governments university workers are being left behind. University workers and their families are not the only people in our State who are impacted by the lack of action from the Liberal-Nationals. Universities directly employ thousands of people in both metropolitan and regional areas and, as a result, indirectly support thousands more workers and businesses.

This will have a particularly severe effect on regional areas such as Lismore, Armidale, Wagga Wagga, Bathurst and Orange, as they depend upon staff and students to be living, working and spending money in their regions. Sadly, local small businesses that depend on universities will be devastated if more jobs are lost, as many people could be forced to leave their towns and others will have less money in their pockets to spend. Labor's fundamental concern is saving thousands of jobs and livelihoods. The cuts are impacting the ability for people to pay their bills, mortgages and rent, and purchase essentials for their families. We must not turn our backs on our communities. The Berejiklian Government must develop a survival package that will guarantee that jobs are saved. The Victorian Government demonstrated its support for university workers and the communities that rely on universities by establishing a \$460 million rescue package. This is in stark contrast to the New South Wales Government's inadequate package of a general deferral of payroll tax and \$36 million of research funding.

Universities will play an essential role in our economic recovery. More needs to be done in New South Wales to ensure we are protecting jobs that are crucial to our economy. Labor is calling for all measures to be put on the table, including extra funds for universities and further research funding. Labor's shadow Treasurer, the Hon. Walt Secord, and shadow Minister Clayton Barr have called on the Morrison Government to extend its JobKeeper program to public universities. A number of private universities, such as the University of Notre Dame, Bond University, Torrens University and the University of Divinity, were granted an exemption to the existing JobKeeper rules. The Premier should demand that the Morrison Government provide adequate funding to our universities and that JobKeeper be extended to public universities. The Berejiklian Government must step in and do everything within its capacity to ensure that no jobs are lost from our vital public institutions.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The House now stands adjourned.

The House adjourned at 00:38 until Thursday 17 September 2020 at 10:00.