



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 23 September 2020**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

**Wednesday, 23 September 2020**

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

**The PRESIDENT** read the prayers.

### *Motions*

#### **MANUFACTURING INDUSTRY**

**The Hon. PETER PRIMROSE (10:01:47):** I move:

- (1) That this House notes the resolution of the House of Wednesday 16 September 2020 in which this House recognised the critical importance of manufacturing jobs in western Sydney and called on the Government to stop sending manufacturing jobs overseas.
- (2) That this House calls on the Leader of the Government in the Legislative Council to report to the House on the following matters:
  - (a) the specific major manufacturing projects since 2011 for both western Sydney and New South Wales, that the Government or any of its agencies procured from overseas;
  - (b) the estimated total number of jobs for each major manufacturing project since 2011 that have been exported from New South Wales as a consequence of the decision to undertake procurement from overseas;
  - (c) the specific manufacturing projects over the period of the forward estimates that the Government or any of its agencies propose to procure from overseas;
  - (d) any additional legislative and regulatory frameworks proposed to be introduced by the Government in order to implement the resolution of the House that it stop sending manufacturing jobs overseas; and
  - (e) any immediate and long-term additional investments proposed by the Government in TAFE; including how it will expand training, education and employment pathways especially for young people.

**Motion agreed to.**

### *Committees*

#### **LEGISLATION REVIEW COMMITTEE**

##### **Membership**

**Ms ABIGAIL BOYD:** I move:

That under section 5 of the Legislation Review Act 1987, Mr David Shoebridge be discharged from the Legislation Review Committee and Ms Abigail Boyd be appointed as a member of the committee.

**Motion agreed to.**

**Ms ABIGAIL BOYD:** I move:

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

**Motion agreed to.**

#### **COMMITTEE ON CHILDREN AND YOUNG PEOPLE**

##### **Membership**

**Ms ABIGAIL BOYD:** I move:

That under section 38 of the Advocate for Children and Young People Act 2014, Ms Abigail Boyd be discharged from the Committee on Children and Young People and Mr David Shoebridge be appointed as a member of the committee.

**Motion agreed to.**

**Ms ABIGAIL BOYD:** I move:

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

**Motion agreed to.**

*Documents***TALLAWARRA POWER STATION****Tabling of Report of Independent Legal Arbiter**

**Ms ABIGAIL BOYD:** I move:

- (1) That the report of the Independent Legal Arbiter, the Hon. Joseph Campbell, QC, dated 18 September 2020, on the disputed claim of privilege on papers relating to the contamination at power station associated sites be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

**TALLAWARRA POWER STATION****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. Joseph Campbell, QC, dated 18 September 2020, on the disputed claim of privilege on documents relating to the contamination at power station associated sites.

*Business of the House***POSTPONEMENT OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Mark Latham: I move:

That business of the House notice of motion No. 1 be postponed to a later hour of the sitting.

**Motion agreed to.**

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

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

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

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES (10:11:14):** I move:

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

- (1) Private members' business item No. 785 standing in the name of the Hon. Daniel Mookhey relating to the State Insurance and Care Governance Amendment (Employees) Bill.
- (2) Private members' business item No. 736 standing in the name of the Hon. Walt Secord relating to the Restart NSW Fund Amendment (Rural and Regional Infrastructure Funding) Bill.
- (3) Private members' business item No. 725 standing in the name of the Hon. Mark Banasiak relating to the Local Land Services Amendment (Land Management and Forestry) Bill.
- (4) Private members' business item No. 793 standing in the name of the Hon. John Graham relating to the Liquor Amendment (Right to Play Music) Bill.
- (5) Private members' business item No. 708 standing in the name of the Hon. Rod Roberts relating to Police Remembrance Day 2020.
- (6) Private members' business item No. 789 standing in the name of the Hon. Taylor Martin relating to coalmining for export.
- (7) Private members' business item No. 477 standing in the name of Mr Justin Field relating to an order for papers regarding the Liddell Taskforce.
- (8) Private members' business item No. 786 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding Insurance and Care NSW, the Treasury and the New South Wales workers compensation scheme.
- (9) Private members' business item No. 687 standing in the name of the Hon. Ben Franklin relating to Meals on Wheels Day 2020.
- (10) Private members' business item No. 740 standing in the name of the Hon. Emma Hurst relating to immunocontraceptives and wild horses.
- (11) Private members' business item No. 794 standing in the name of Ms Cate Faehrmann relating to protecting biodiversity.
- (12) Private members' business item No. 775 standing in the name of the Hon. Robert Borsak relating to a select committee on the Greyhound Welfare and Integrity Commission.



- (13) Private members' business item No. 780 standing in the name of the Hon. Adam Searle relating to an order for papers regarding government asset plans and registers.
- (14) Private members' business item No. 795 standing in the name of the Hon. Natasha Maclaren-Jones relating to Australian National Flag Day 2020.
- (15) Private members' business item No. 781 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding electricity leases and energy operations.
- (16) Private members' business item No. 792 standing in the name of the Hon. Sam Faraway relating to World Squash Day 2020.
- (17) 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.
- (18) 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 2020.
- (19) Private members' business item No. 796 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding School Infrastructure NSW projects.
- (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. 569 standing in the name of the Hon. Mark Latham relating to police and prison officers.
- (22) 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.
- (23) Private members' business item No. 762 standing in the name of the Hon. Taylor Martin relating to the Surf Life Saving New South Wales 2020 Awards of Excellence
- (24) Private members' business item No. 791 standing in the name of the Hon. Mark Banasiak relating to a select committee on the provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020.
- (25) Private members' business item No. 782 standing in the name of the Hon. Mark Buttigieg relating to the Qantas decision to outsource labour.
- (26) Private members' business item No. 1 standing in the name of the Hon. Mark Latham relating to the Uranium Mining and Nuclear Facilities (Prohibitions) Repeal Bill 2019.
- (27) Private members' business item No. 582 standing in the name of the Hon. Shayne Mallard relating to *Fighting For Our Lives* by Nick Cook.
- (28) Private members' business item No. 764 standing in the name of Ms Abigail Boyd relating to an order for papers regarding the sale of the Macquarie Generation assets.
- (29) 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.

I indicate that it has been agreed that the private members' business items at paragraph Nos 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 28 and 29 will be considered in the new short form format.

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

**Motion agreed to.**

### *Bills*

## **STATE INSURANCE AND CARE GOVERNANCE AMENDMENT (EMPLOYEES) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. DANIEL MOOKHEY (10:17:31):** I move:

That this bill be now read a second time.

The State Insurance and Care Governance Amendment (Employees) Bill introduced by Labor will abolish the outrageous practice of paying Insurance and Care NSW [icare] executives bonuses. The bill is necessary because in the past two years eight executives at icare were paid \$8 million in salaries and bonuses. Two hundred of the 1,200 staff members at icare were also paid bonuses. In total in the past three years at least \$12 million of money intended to help sick and injured workers, paid for by the employers of New South Wales, has instead been paid in bonuses to icare's top executives and 200 staff members at that organisation. There is no ambiguity about what Labor thinks about that practice. Let me be abundantly clear: icare's top executives are not worth the money they are paid. Icare's board was wrong to pay them those bonuses and the Treasurer should have stepped in and stopped those exorbitant bonuses well before Labor exposed their litany of wrongdoing.

If any member is in any doubt or thinks that there is just cause to pay icare's executives bonuses, they should consider the facts. This is a summary of its record: The scheme's finances are in ruin; the core mission of icare to return workers to work as speedily as possible at the lowest cost to employers has collapsed; and the organisation is mired in governance scandal after governance scandal. The board is responsible for that disaster and its response is to pay the executives responsible \$8 million in salaries and bonuses. That practice must come to an end. The extraordinary privilege to set executives' pay and conditions, which only icare has, must come to an end. The board can no longer be trusted with that extraordinary legal power. The Minister can no longer be trusted to oversee how the board discharges its responsibility.

The facts that I will put before the House should lead all members to conclude that there is no reason that icare's executives should be paid these salaries and bonuses. If ever an emblem was needed for the warped logic that still prevails in icare's board, the House should consider the case of Mr John Nagle, icare's former CEO. I present the facts about the person who led the organisation for three years—the person to whom the board chose, with the backing of the Treasurer, to entrust the extraordinary responsibility of running the scheme that is meant to get injured workers back to work. Mr Nagle's base salary was \$700,000, which is more than the salary of any other public servant in New South Wales; even the Secretary of the Department of Premier and Cabinet is not paid that much. That was his base salary.

In 2017-18 Mr Nagle was paid an additional \$220,000 above his \$700,000 salary. He took home nearly \$1 million, which is more than any other person working for the New South Wales Government. It was even more than the then CEO of WestConnex, who at the time we thought was the most highly paid official working for the New South Wales Government. In 2018-19 Mr Nagle was paid his \$700,000 base salary and an additional \$220,000 incentive payment—two bonus payments worth \$440,000 over two financial years. It emerges that in the same year that Mr Nagle was collecting his \$700,000 base salary and his \$220,000 in bonuses, icare contracted to pay Mr Nagle's wife a cumulative total of \$800,000 while he was the group executive supervising the work that his wife was performing. When that was reported to the board, it sanctioned him by not paying him a short-term bonus payment for 2018-19. He lost his short-term bonus but, just in case that was a bit too onerous, he was still paid his long-term incentive bonus. At the same time that the board was saying, "You did the wrong thing by paying \$800,000 to your wife and not declaring it," Mr Nagle was paid \$200,000 in the long-term incentive bonus.

In response, Mr Nagle complained to the board about being sanctioned. There was no sense of accountability or culpability and no admission whatsoever that perhaps the decision was wrong and certainly created the perception of wrongdoing. Instead, Mr Nagle said to the Chair of the board that he was going to resign in protest of the decision of having his bonus taken away. We learnt from Mr Nagle that the then and current Chair of icare, Mr Carapiet, persuaded him not to resign. The evidence that the Standing Committee on Law and Justice heard from Mr Nagle is that when he offered his resignation in protest against the board's decision to take away his short-term bonus, the icare Chair said, "No, please keep your job". All that happened in secret. None of it was disclosed to the public or to the Parliament. That evidence was brought to light only because of the questions asked by Labor—on a cross-party basis, I acknowledge—during the law and justice committee's inquiry. Those are the people whom we are trusting to decide whether icare's executives should be paid extraordinary bonuses.

That is the story of only Mr Nagle. I remind the House of the litany of other wrongdoing taking place at icare, all while its top executives were being paid \$8 million in bonuses. Icare underpaid 52,000 workers a total of up to \$80 million. To this day we have no idea when icare will have repaid every underpaid injured worker. At the same time that the executive class at icare were being paid bonuses, workers were being underpaid. Those sick and injured workers who were denied their legal entitlements still do not know when they will get the money to which they are legally entitled. Icare overpaid dodgy doctors hundreds of millions of dollars in duplicate and fraudulent payments.

The committee heard one celebrated case of icare paying for caesarean anaesthesia for a man. Double charging, fraudulent payments, overcharging and over-servicing occurred on the watch of these executives, while two secret advisers worked in Dominic Perrottet's personal office. In February this year, in the middle of a global pandemic, the Labor Opposition caught them attempting, first, to eject an additional 17,500 workers from the scheme to make icare's balance sheet look better and, secondly, to hike up employer premiums by 4 per cent and introduce a gap fee for any injured worker who wants to see a doctor.

It is outrageous for a small business in New South Wales battling to survive through the COVID pandemic and the worst economic downturn in generations, as the shadow Treasurer points out repeatedly, to pay a 4 per cent premium increase because icare's executives tanked the system but then collected bonuses. Many small businesses have already experienced a variety of premium shocks under the watch of these icare executives. How must they feel to know that the money they are handing over to icare is, instead, being used to line the pockets of a bunch of failed executives? Icare is under investigation for paying \$22 million to insurance brokers in breach of the law. Icare's CEO and another top executive took an undisclosed sponsored trip to Las Vegas paid for by

a multimillion-dollar organisation contracted to the agency. Icare's top executives took 36 foreign trips in four years—10 times more than the regulator, the State Insurance Regulatory Authority, and more than any government agency in New South Wales.

Icare faces a referral to the Independent Commission Against Corruption for handing an \$11 million marketing contract to a company secretly owned by a top icare executive. That same \$11 million contract was for a net promoter score—that is, a rating of the likelihood that an employer or injured worker would recommend icare. Icare's executives' remuneration is tied to those net promoter scores. Some 10 per cent of the decision to award bonuses to icare executives turns on those net promoter scores. The company that was collecting those net promoter scores was secretly owned by an icare top executive. The icare board was relying on that contract and that company to tell it whether icare executives should be paid bonuses.

In September 2019, after complaint from Mr Nagle, Treasury secretly cancelled an external investigation into probity and governance at icare. The State Insurance Regulatory Authority said it had grave concerns about icare and that it had referred icare to the Independent Commission Against Corruption. A damning independent review found that icare failed to follow the law in 46 per cent of the claims it handled. Icare organised with Treasury a secret \$4 billion bailout of the workers compensation fund for police, nurses, prison guards and teachers to prevent the fund's collapse. In May the Treasurer was warned that icare was set to lose another \$850 million before COVID hit the scheme even harder. Icare racked up underwriting losses totalling \$4.5 billion in the three years leading up to 2019. Earlier this month we learnt that last year icare racked up another \$1.8 billion net loss, meaning that over the past three years alone the organisation has made a net loss of \$4 billion. The \$3.9 billion surplus that technically existed prior to icare's formation is all gone.

All of that behaviour—maladministration, incompetence and corruption—was sanctioned by the board and the people responsible were paid bonuses by the board. It invites the rather obvious question: With a record this bad, what do you have to do wrong at icare to be denied a bonus? Rewarding that type of behaviour sends a message. It sends not only a financial message that that behaviour should be rewarded but also an equally important cultural message that that is the behaviour we expect in the New South Wales public service and from the New South Wales Government. Imagine how that must feel for all the heroes responding to the pandemic right now. Bear this in mind: Neither Kerry Chant nor any of the first responders battling COVID-19 receives a bonus payment for their work. Not one of them. Not a single person who spent their summer battling bushfires and stopping the State from burning was paid a bonus. Many of them were not even paid a salary or an honorarium to cover their costs. How must they feel knowing that the people who technically insure them are paid bonuses while they battle the fires?

Right now a cleaner on a train, in a hospital or at a school is far more essential to this State than any icare executive. No-one could catch a train, go to school or go to hospital without any of those cleaners, yet the New South Wales Government sees fit to cut their pay during a pandemic at the same time that it is justifying the right of icare's executives to receive bonuses. It is outrageous. Every one of those workers—be it Kerry Chant and her team at NSW Health, the bushfire volunteers at Fire and Rescue NSW, and every other public servant and private sector worker battling to keep our economy alive and our Government functioning—deserves bonus payments far more than icare's executives. How was it possible for icare to get away with that? How is it possible that icare has that power?

In truth, when it comes to this particular law, the board is responsible. In fact, it is effectively the sorcerer's apprentice to the Treasurer, who is the sorcerer because the Treasurer wrote the law that gave icare's board that extraordinary power. He created icare, he wrote the State Insurance and Care Governance Act and he gave icare a unique privilege not available to any other government agency—that is, the ability to set its own pay and conditions without recourse to any external tribunal or the requirement or permission of the Minister. To understand just how novel that is, not even Sydney Water or Essential Energy has that power; WestConnex never had that power. No other State-owned corporation or organisation akin to icare has the legal power to set its own pay and conditions without the permission of the Minister. Icare got away with paying millions in bonuses to its top executives because Dominic Perrottet gave it that power. He is responsible.

The bill that we have brought before the House today is designed to unpick his work. When it comes to icare's executive's pay and remuneration, it is time to start treating them like every other State agency and State-owned corporation, which brings me to the bill. The bill amends the State Insurance and Care Governance Act to:

- (a) provide that members of staff of Insurance and Care NSW (ICNSW) and the chief executive of ICNSW are not entitled to the payment of a performance-related bonus or incentive payment, and
- (b) limit ICNSW's responsibility in relation to matters about the employment of staff of ICNSW and the chief executive of ICNSW.

In effect, the bill treats icare like any other State-owned corporation. If Sydney Water and Essential Energy can follow those rules then so can icare. To take members through the bill in some element of detail, I clearly outline the provisions:

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

Schedule 1 to the bill provides that the amendments will commence on assent. The bill removes the privilege that icare has to set pay and conditions. It expressly prohibits the payment of performance-related bonuses, instead applying the current provisions of the State Owned Corporations Act to icare. It also introduces a grandfathering arrangement for existing icare staff. We make it clear that no contract that is currently in place at icare needs to be disturbed, except for the payments of any incentive payments. All other base conditions of icare staff are preserved for as long as the existing staff member holds that role. That is what the bill does. The intention of the bill is clear: to restore the rule of law and the application of standard public sector and State-owned corporation employment practices to this extraordinary organisation. There is absolutely no reason anyone should be opposing the bill. If the Treasurer and the Government vote against the bill, they are voting to pay icare executives more bonuses.

Any attempt to resist the bill is an endorsement of icare's bonuses and the executive board's prerogative to pay them bonuses. To the extent to which I have heard any arguments against the bill, I have heard some people say that icare is competing with the private sector for talent. Firstly, no private sector organisation would let their management team get away with such malfeasance. If any Australian Securities Exchange [ASX] 50 company had engaged in the same behaviour as icare, its management team would be gone. If any management team of an ASX 50 company had lost \$4.5 billion in just three years, those people would be out of their jobs. How do we know that? Because those people are out of their jobs—look at what happened at AMP, at NAB and at other organisations in which there were financial losses and government scandals in the finance industry. Those boards got rid of their management teams and, when they failed to, their shareholders got rid of those boards. If it is good enough for private sector organisations to have proper governance, then employers and injured workers deserve no less.

Secondly, to the extent to which the Government says that it is in competition with the private sector, I point out that in Queensland there is a stable workers compensation system supported by both employers and unions, which has the same dynamic as New South Wales. Somehow the Queensland Government does not have to pay its leadership extraordinary bonuses to deliver a superior result. In South Australia, which has a much harsher workers compensation scheme than Queensland, a Liberal Government-controlled scheme does not pay its executives anywhere near the level of bonuses that icare does. In Western Australia the same practices do not apply. The only State that I am aware of that pays the leaders of its workers compensation scheme \$8 million in salaries and bonuses to just eight people is New South Wales. The only reason that happens in New South Wales is because the Liberal Party and the Treasurer have said that it was moral, just, appropriate and necessary. That is wrong on all accounts. It is time for the Parliament to send the message to icare executives that the party is over.

I close with the following observation. Throughout the course of this particular icare saga, many members of the House and of the Labor Party have heard from sick and injured workers across the State. I tell the story of one. Annette was a school librarian living in Orange when she climbed a ladder to reach some books for the children and fell. As a result she cracked her spine and was incapable of work and in incredible pain. On Boxing Day 2017 she was one of the first people to lose access to income support. She was cut off from the scheme altogether and is now fending for herself. Two years later on Christmas 2019, Annette—a person who cannot walk more than five metres out her front door without needing to sit down and in incredible pain—lost her medical benefits, meaning the scheme no longer pays for her pain medication.

She is now trying to get a disability support pension. The support of her family is the only reason she is not homeless and in poverty. She is just one of the people who contacted my office and the Leader of the Labor Party in the other place to tell her story. She is one of the many courageous workers who have lost benefits and pain medication in the name of financial soundness. She made it clear what she thought of icare's executives. She is only one of 7,000 people already affected by the changes that this Government introduced in 2012. All 7,000 are battling in various forms of poverty, pain, distress and depression because they no longer have the support that they were once entitled to.

Annette and all the others deserve a lot better. The 7,000 workers removed from this scheme in the name of financial soundness deserve a lot better than what they have been given. The 52,000 underpaid injured workers in New South Wales deserve a lot better than how they have been treated, as do the 300,000 businesses in this State that have paid premiums to icare. This Parliament is going to need to do much more to repair Dominic Perrottet's and the Liberal Party's icare mess. But we have to start somewhere. It is important now that

we start by sending a clear message at least on the executive remuneration practices. How is it possible that we can look people like Annette in the face and say, "You should be suffering poverty, but the people who buggered up the scheme should be paid bonuses."?

Right now that practice prevails. That needs to be stamped out. We have got to start again and restore the rule of law, proper governance and probity standards to icare. We have to stabilise it and make sure that employers and sick and injured workers never have any cause to doubt whether their workers compensation scheme is functioning as intended. In fidelity with all those people who have been campaigning for change, with the support of all the employers and sick and injured workers who have contacted the Labor Opposition, we bring this bill to the House. On their behalf, we commend it to the House. It is time to stop the exorbitant bonuses being paid to icare's executives. We should be stopping it straightaway.

**Debate adjourned.**

**RESTART NSW FUND AMENDMENT (RURAL AND REGIONAL INFRASTRUCTURE FUNDING)  
BILL 2020**

**First Reading**

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

**Second Reading Speech**

**The Hon. WALT SECORD (10:41:30):** I move:

That this bill be now read a second time.

As the shadow Treasurer, it is an honour to introduce the Restart NSW Fund Amendment (Rural and Regional Infrastructure Funding) Bill 2020. The bill is straightforward and will prevent the Liberal Party and The Nationals from breaking a long-held election promise. Before I get into the main aspects, I wish to send a clear and unequivocal message to the NSW Nationals: I know that it is in turmoil and searching for an identity. I know that the party is no longer the party of Black Jack McEwen, Doug Anthony, Earle Page, Ian Armstrong, Wal Murray or Jenny Gardiner. It is definitely no longer the party of the member for Port Macquarie, Leslie Williams, former Leader Troy Grant or former Minister Niall Blair. Quite frankly, The Nationals should have introduced this bill as they claim to represent rural and regional New South Wales. That is what their leader and the member for Monaro, John Barilaro, claims. He is on leave and my thoughts are with him and his family at the moment.

However, rural and regional communities increasingly see otherwise. The Nationals is now unwilling or unable to represent these communities. Water thieves, sure. Climate change deniers, why not? But not regional communities. The Nationals now has an opportunity to make amends by supporting the bill, which will amend the Restart NSW Fund Act 2011 to make further provision regarding funding for infrastructure projects in rural and regional areas. Its object is to amend the Act to provide that at least 30 per cent of the fund's total payments for infrastructure projects in any financial year and over the life of the fund are to be made for infrastructure projects in those areas. As way of background, the origins of the fund stretch to early June 2010, when then Opposition Leader Barry O'Farrell promised in his budget reply speech to spend 30 per cent of the fund in rural and regional areas.

The bill ensures that the Berejiklian Government fulfils the original stated intent of Restart NSW, which was set up in 2011. At the time, the New South Wales Government claimed that it established the fund to enable funding and delivery of high-priority infrastructure projects that improve the State's economic growth and productivity. The fund is legislatively governed by the Restart NSW Fund Act 2011. Under the Act, Infrastructure NSW is responsible for assessing and recommending Restart NSW projects that improve the economic growth and productivity of New South Wales across all sectors. These funded projects include a mixture of infrastructure projects led by New South Wales government agencies, as well as local and community infrastructure projects being delivered by local government, non-government organisations and other entities.

The Berejiklian Government claims that 30 per cent of Restart NSW funding targets regional and rural areas outside the metropolitan areas of Sydney, Newcastle and Wollongong over the lifetime of the fund. The problem occurs in that clarification. "Over the lifetime of the fund" allows the Berejiklian Government extraordinary wiggle room from year to year to pull the wool over the eyes of rural and regional communities. The fact is, year on year, this 30 per cent benchmark is not being met. The fact is The Nationals are not holding the Government to account on their promise to rural and regional communities. As a result, that 30 per cent benchmark does not translate into economic activity in those communities. That needs to change, now more than ever. Rural and regional New South Wales is doing it tough. It has come out of one of the worst droughts in memory, horrific bushfires and now it is grappling with the economic impact of COVID-19.

Without Labor's well-thought, thorough amendments, this Act allows the Berejiklian Government to continue to rob rural and regional areas of vital infrastructure. It allows The Nationals to continue to dud those communities out of a core promise that got this Government into power in 2011. Unfortunately with The Nationals, it is promises made and promises broken and broken again. At the moment, the most recent economic data obtained through the budget estimates process show that a mere 18.9 per cent of Restart NSW is going to rural and regional areas. I will say that again: The Liberal-Nationals State Government promised 30 per cent would go to rural and regional areas, but it has only provided 18.9 per cent. Even if there is significant backloading, it is virtually impossible for the Berejiklian Government to honour its commitment. Labor's bill will ensure that the Government meets its commitment.

This bill is about ensuring that residents in rural and regional New South Wales get the fair share that they were promised by then Opposition Leader Barry O'Farrell, re-promised by Premier Mike Baird, and re-promised again by Premier Gladys Berejiklian. Percentages matter. After all, we are not talking about a tiny fund. As of June 2019, the New South Wales Government claims that funds deposited into Restart NSW since 2011, including investment earnings, have totalled \$33.3 billion. So far almost \$16 billion has been spent, but only 18.9 per cent has gone to rural and regional New South Wales, which is far short of the required 30 per cent. A rough calculation would suggest that more than \$1.75 billion in investment has been diverted away from rural and regional communities to Sydney, Wollongong and Newcastle. Rural and regional New South Wales have been robbed of almost \$2 billion.

If there was ever a reason to threaten the Coalition, this is it. This is the kind of issue one would expect members of The Nationals to stand up for, but where are they? Where are they when rural and regional communities are getting ripped off? When regional communities need a fair deal, they are taking a nap—but I digress. The simple and straightforward bill amends section 8 of Restart NSW Fund Act 2011 No. 32 in relation to payments out of the Restart NSW Fund. The bill inserts two clauses at the end of section 8. The first clause states:

- (2) At least 30% of the total payments from the Fund on infrastructure projects must be made on infrastructure projects in rural and regional areas outside the metropolitan area of Sydney, Newcastle or Wollongong—
  - (a) in each financial year, and
  - (b) for the life of the Fund.

The second clause states:

- (3) In this section, *life of the Fund*, at a specified time, means the period commencing 1 September 2011 and ending at the specified time.

I will conclude my remarks. Once again, I call on The Nationals to make good their claims to stand with rural and regional communities and support the bill. There is clear evidence that regional and rural communities are being duded out of their fair share of Restart NSW funding, and there is evidence that this is systematic. There is a clear and clean solution to end the shabby and disrespectful treatment of rural and regional communities. The Nationals should jump at the chance. I commend the bill to the House and I thank the House for its consideration.

**Debate adjourned.**

## **LOCAL LAND SERVICES AMENDMENT (LAND MANAGEMENT AND FORESTRY) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. MARK BANASIAK (10:53:07):** I move:

That this bill be now read a second time.

It gives me great pleasure to introduce the Local Land Services Amendment (Land Management and Forestry) Bill 2020. The object of the bill is quite simple: The Shooters, Fishers and Farmers [SFF] Party is doing what The Nationals should have done nine months ago. It is attempting to clarify matters surrounding native vegetation, private native forestry [PNF] and forestry operations from the diabolical impacts of the State Environmental Planning Policy [SEPP] Koala Habitat Protection 2019 and other environmental planning instruments. When SFF members sought consultation from stakeholder groups, which did not include property developers, on the potential impacts of the koala SEPP, it became obvious that native vegetation, private native forestry and forestry operations would be only some of the victims of the overreaching policy.

Where the previous State Environmental Planning Policy No. 44 sought to protect populations of koalas, the new SEPP protects potential koala habitat. "Potential" means that, where there is no trace of koalas, it is assumed they are present. The Department of Primary Industries [DPI] openly admitted in budget estimates that it assumes koalas are present even in the absence of scratching and scat. Anyone who spends time in the bush searching for or hunting animals would know how ridiculous that statement is. If there is no scat or animal markings, not only are the animals not there but also they are not passing through. The only poop one would find is from the harebrained official who came up with the policy, which is scientifically flawed. The SEPP actually increases the Government stranglehold on privately owned land.

The Government is simply taking more land and locking it up, adding an estimated 6.3 million hectares of privately owned land into the New South Wales informal reserve system. The SEPP is more bureaucratic green tape, and this particular SEPP is sneakier than ever. A SEPP is an environmental planning instrument [EPI] made under the Environmental Planning and Assessment Act 1979. As such, it cannot be amended in Parliament, unlike other legislation. It is authorised by the Governor in the Executive Council without parliamentary scrutiny. If I could, I would repeal the whole thing, as John Barilaro claimed he would. But neither he nor I can repeal it. Somehow the policy and all the environmental planning instruments [EPIs] override legislation and have been used increasingly to undermine Acts, such as the Local Land Services Act, which makes very important decisions regarding native vegetation, private native forestry and forestry operations. That is not good enough.

The bill is just the beginning. The SFF will try to put a stop to it and provide real environmental outcomes by allowing private landholders the right to manage native vegetation, forestry operations and private native forestry according to existing Local Land Services [LLS] legislation. The changes will ensure that, in the event of inconsistencies between EPIs and certain provisions within the Local Land Services Act and the Environmental Planning and Assessment Act that regulate native vegetation, private native forestry and forestry operations, the Local Land Services Act will prevail. One may ask why? That is because the legislation has seen the scrutiny of a parliamentary process and is not a Henry VIII clause that is wielded by a green bureaucracy. Timber NSW correctly pointed out that there is mischief in the SEPP, which needs to be undone.

A regulatory map regime was enacted in the Local Land Services Act 2013 to include: category 1, exempt land mapping; and category 2, regulated land mapping. Decisions were made by Parliament on native vegetation to essentially allow or not allow land clearing. It is straightforward until one takes into account later amendments, which state that a native vegetation regulatory map may designate any other subcategory prescribed by regulations. Regulation 108 provides that a native regulatory map may also designate category 2, sensitive regulated land, as a subcategory of category 2. The unspecified subcategories underwent no parliamentary process, but allow the bureaucracy—if it so reasonably believes—to subcategorise private land into the Biodiversity Conservation Act 2016 and prevent active land management.

The regulation is deliberately ambiguous when one takes into account the increase of koala feed trees from 10 to 123 and the ability for a suitably qualified person to identify core koala habitat. Put simply, it enhances the ability of public servants to lock up private land, switch off the Land Management (Native Vegetation) Code, including private native forestry and regrowth control, and restrict basic activities like the construction of fences, dams and stockyards. The regulation rezones land from rural uses to environmental zones and prohibits most agricultural activities. The SFF bill will ensure that land described as category 1 must not be designated as a subcategory. Native vegetation, private native forestry and forestry operations have been through it. All members in this place would have contributed to debate on these issues at some point.

In 1995 the Carr Government delivered the first blow to native vegetation, private native forestry and forestry operations under the national parks smash-and-grab and the ill-conceived State Environmental Planning Policy No. 46. Large swathes of the State have been unmanaged, locked up and left to grow under the notion of wilderness. That has never occurred for millions of years in this country. The environmental laws that govern the State are based on terra nullius, the idea that no-one was here before colonisation. That ecological view was confirmed in the Wilderness Act 1987 when land was classified as wilderness if it appeared to have no human intervention, but we all know that is not true.

Indigenous Australians were here and they were topnotch land managers. They created the landscape we know and accept today. They created it because it offered them special advantages over native flora and fauna. That is what active and adaptive management does. It allows you to predict and create outcomes that will benefit flora and fauna as well as yourself, but this Government under its green regime and blind focus on the city vote just does not get it.

Private land management, which includes native vegetation, forestry operations and private native forestry, has been entangled in so many pieces of legislation over the years that it is no wonder we see this SEPP and other ecologically destructive EPIs slapped over properties. Like many other environmental laws we have today it is bungled and confused because governments have been taking their cues from green bureaucrats for decades. In

researching what Mr Bob Carr did in 1995, I stumbled upon an article in *The Land* from 2005, where a landowner had Mr Carr visit his property. The extract from the interview with Mr Joe Holmes from Nyngan reads:

We were heading around the scrub and Bob Carr said "I'm really interested in seeing this woody weed problem, let me know when we get there.

I said, "jeez Mr Carr we have been driving through it for the past five minutes ... this is the stuff that's hitting our windscreen".

(It was) the regrowth that hadn't been managed for decades before.

That regrowth inhibits the production of his land. It provides no environmental outcomes and yet, if Mr Holmes were to clear it, he could face fines of up to \$1 million. Mr Bob Carr, who is supposed to be a leading political environmentalist could not even recognise a woody weed. So here the problems began. We had a city-centric environmental policymaker that placed the environmental expectations of a State on our farmers' backs and wallets without any thorough understanding of the Australian environment. SEPP No. 46 was the instrument used in 1995 that shackled and bound farmers, private native forestry, native vegetation and forestry operations. SEPP No. 46 brought an end to broadscale clearing, which means that if a private landholder wants to clear even one tree on their property, they would have to enter into a never-ending application and assessment process that would cost them so much money that it is simply not worth it and the chances are that they would be denied the right to clear.

It was only an interim policy before the Native Vegetation Forum was held to inform the lawmakers of the time on how better to manage our native vegetation. The forum was supposed to be a consultation exercise with stakeholders and the wider community and yadda yadda yadda. It is just that—yadda. Governments never really consult. If they do, they do it the way Mr Carr did and consult those that give them the answers they want, like environmental groups that make their money through images of cute koalas transposed into inhospitable landscapes. Proper consultation would have seen a very different outcome, not the subsequent Native Vegetation Conservation Act 1997. What happened instead was that more and more swathes of our land were locked up and left unmanaged. We saw an even larger decline in biodiversity and the extinction rate of our native animals was on the increase. Our losses in biodiversity runs parallel with our loss in proper land management.

The Greens would have us believe it was land management by private native forestry and timber operations that saw the decline, despite the ever burgeoning native reserves, national parks and legislation that locked up private land. The Native Vegetation Conservation Act 1997 did the same as SEPP No. 46. It continually encroached on the rights of private landholders to manage their properties and increased the ability of green public servants to lock up private land. It assumed that farmers and regional and rural landowners were not capable of understanding biodiversity outcomes, had no understanding of our endemic wildlife and simply could not give a rat's about any of it, despite the direct repercussions that that sort of ignorance would have on their land, their income and their surrounding natural environment. Those laws and policies assume that those in the city have a larger interest and a better understanding of how to manage land. I will repeat this quote by marine biologist Walter Starck, which I have said before in this place:

... environmentalism has redefined the fundamental concept of being a stakeholder. Despite having nothing invested and with no risk to themselves, environmental Non-government organisations (NGOs) have managed to claim the status of stakeholders in remote matters and be accorded an equal voice to those whose entire lives, livelihoods and assets are being affected.

It does not make sense, yet there is a trail of environmental policies that have been informed by these so-called stakeholders that suggest it is so. Not to mention a trail of blackened earth from the recent bushfires that could have been mitigated by proper land management. By the time we got to 2003 and the Native Vegetation Conservation Act, private landholders could barely mow their front lawn without facing penalties, so in 2014 the Shooters Farmers and Fishers tried to amend the bill during debate on the Native Vegetation Amendment Bill 2014. The Nationals made endless election promises to repeal the very poor instruments that governed how private landholders managed their land but they never did, so the inundation of environmental policies and bureaucrats continued.

The Government attempted to amend the bill so much that it was a step backwards for landholders and private native forestry, native vegetation and other forestry operations. It was voted down in the end. We have had so much legislation and so many environmental policies suffocating private landholders, the management of private native forestry and native vegetation that the bill was described in the debate as "unworkable, impractical and difficult to interpret". In the Committee stage during the debate, the Government admitted its amendments would not go as far as many stakeholders would like, but it went ahead and tried to move its amendments anyway. Now we find ourselves in the current situation where there are so many governing instruments over what we cannot do on our properties that we cannot actually do anything, and yet primary producers and farmers are still expected to turn a profit.

This amending bill will ensure that if there are any inconsistencies caused by the decision of a planning consent authority under the Environmental Planning and Assessment Act and the Local Land Services Act, the



Local Land Services Act will prevail. There will be inconsistencies because, as I have stated, the laws are so bogged down in green bureaucracy that it cannot be any other way. Private native forestry, native vegetation and other forestry operations are governed by the Local Land Services Act. An approved private native forestry plan from the LLS that includes koala protection measures is needed to clear trees on a property. The koala SEPP is subordinate but it overrides the Act. We need to start providing clarity and certainty to private landholders who want to manage their land and make a quid out of it at the same time. This SEPP has virtually no impact on urban or peri-urban areas because this Government wants to build its cookie-cutter developments in those landscapes. It is free to clear land on a broad scale wherever it wants because it has ensured it can.

But farmers, private native forestry operations and other forestry operations who no longer wish to clear land on a broad scale but simply manage their operations are governed by environmental legislation, and more and more of their land is being seized. There is no evidence that suggests that koalas cannot coexist with farming and forestry operations. In fact, there is science that suggests the opposite. National parks and unmanaged lands are breeding grounds for feral animals, like cats and foxes. The canopy and ground cover and the monocultures that those environments produce are perfect hunting grounds for feral animals. They are not suitable for much of our native wildlife. In Vic Jurskis' most recent book *The Great Koala Scam*, he makes the very important observation that 24 species of mammals became extinct in the nineteenth century in far western New South Wales where no clearing had occurred.

The broad-headed snake, which was our rarest and most endangered snake, became extinct in Ku-ring-gai Chase National Park where there has been no clearing. Yet species that rely on open, sunny, airy and grassy bush are constantly declining, so why are we not dealing with the issue of unmanaged national parks? We would not be bending to the myth of wilderness in Australia that informs our environmental policies if this Government took its cues from evidence-based finding rather than emotionally driven environmental rhetoric. Since 1995 we have seen policies that burden native vegetation, private native forestry and other forestry operations—and all private landholders—with green tape that actually delivers perverse environmental outcomes in the bush.

This amending bill will start to ensure that considered decisions informed by legislation that have been thoroughly scrutinised will prevail over emotionally driven policies. Those pieces of legislation are by no means perfect and nor are the codes that govern native vegetation, private native forestry and other forestry operations. But the Shooters Fishers and Farmers Party believes this is a start to correcting the very dangerous and very sneaky environmental planning instruments like the koala SEPP that somehow reign supreme over proper legislation that has been through due process. I look forward to the support of The Nationals in this House as well as the support of the Leader of The Nationals and acting Deputy Premier Paul Toole. May he carry on the legacy of Mr John Barilaro in Cabinet. I commend the bill to the House.

**Debate adjourned.**

## **LIQUOR AMENDMENT (RIGHT TO PLAY MUSIC) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. JOHN GRAHAM (11:10:05):** I move:

That this bill be now read a second time.

It was 40 degrees in the shade in Tamworth. I was just near the Golden Guitar. I walked around the corner and an absolutely enormous semitrailer was parked out the front of the Longyard Hotel. A fantastic country music band was on the trailer in full flight, performing at one of Australia's best loved festivals. They were playing on the truck to a very appreciative audience who were gathered on a classic country pub verandah. It was pretty hot in the shade but standing on the back of a truck, wielding a guitar, it was absolutely blazing. I had heard about this set-up when the parliamentary inquiry into music visited that pub in 2017 but it took turning up to see it for myself to actually believe that this could be true. The venue has a condition on its licence that requires the band to face in a generally southerly direction. So rather than the band members performing in the cool corner inside the front door, they were on the truck outside the pub—in the heat—playing absolutely cracking country music. They were facing south in order to comply with this licence condition.

That parliamentary inquiry found that 669 venues in New South Wales had these historic conditions on their licences. Many of them ban music or types of music or have other restrictions. They make it hard to run a venue and hard to get a gig as a musician. We know that things are tough at the moment for the music industry and for all of our night-time industries. In the middle of a pandemic, the reality is that the music industry has far bigger issues than this. Much of the industry is still shut down. Last Friday, the COVID oversight inquiry of this

Chamber heard directly from music venues about their prospects. The evidence they gave is that we might lose 85 per cent of our music venues in New South Wales unless they get urgent support. In less than 24 hours since noon yesterday more than 17,000 citizens of New South Wales have signed a petition to this Parliament calling on the Government to save our stages, save our music venues and the music that goes with them, and save the musicians and artists who rely on those venues for jobs.

Both sides of this House have acknowledged in the past that our night-time economy and the music industry have been some of the sectors hit hardest by this pandemic. This is a jobs bill; these are jobs measures. Removing these restrictions is one thing that we can do to make sure that our venues survive. It will not be enough but it is a very good place to start before we reopen. The Opposition's view is that we need to prepare and plan now for when we reopen. There is never a bad moment to remove a bad law, and this is one of those moments. Even after the lockouts are gone, music venues in New South Wales are massively over-regulated. As one well-respected music industry person said recently, New South Wales might still be the most over-regulated music jurisdiction in the OECD.

Our night-time restrictions, including the lockouts but also including these bans on music, are notorious around the world. Some of Australia's best artists report turning up to perform around the world and being asked what is happening in Sydney. That is the message that these bans and restrictions send around the world. It is one of the reasons that we were ranked forty-eighth out of 48 cities in the world last year for our night-life. At the parliamentary inquiry, this story started with a single mirror ball hanging in Surry Hills venue Goros. The mirror ball had attracted unwanted regulatory attention. Regulators had requested that it be removed. In what a Government member of the committee—who I will not name because I do not want to get them in trouble—described at the time as "Mirrorballgate," the committee sought to get to the bottom of why it was that a humble venue decoration—

**The Hon. Ben Franklin:** Was that me? It was probably me.

**The Hon. JOHN GRAHAM:** There are a number of suspects. But why was it that a humble venue decoration in Sydney in 2017 would be the subject of such close regulatory scrutiny? The official explanation was unpersuasive. The approach was driven by concern that items such as mirror balls and dance floors might be indications that venues were morphing, in the terms applied by the regulator, into more risky classes of venue. The simplest explanation was that many of these conditions were really de facto ways of regulating noise. The committee took the unanimous view that that was not an appropriate way to regulate these venues. I thank the committee members for the approach that they took to this. They should speak for themselves; I do not want to put words in their mouth or suggest that they have a view on this bill. But I think there was a unanimous view about the approach to tackling this problem. It was a very good committee. I thank the members from all sides of the House who served on it.

The committee took a very nuanced view that noise should be regulated and risky venues should be regulated—sometimes heavily—but that music should not be banned. That is the view that this bill takes. It would not change the regulation of noise in New South Wales. It does not amend legislation relating to noise, including the Liquor Act 2007 and the Environmental Planning and Assessment Act 1979. The bill would not remove any condition that imposes a noise level such as "must not exceed 90 decibels". It will not alter the regulatory arrangements between the seven State agencies that currently regulate noise in New South Wales. Liquor & Gaming NSW, councils, the Environmental Protection Agency, the NSW Police Force, the Department of Planning, Industry, and Environment, Transport for NSW and Property NSW would retain their respective roles in regulating noise in New South Wales. Those arrangements could be improved but it is a complex area so this bill makes zero changes to those arrangements. It simply seeks to stop the bans on music and on work for musicians.

These bans and restrictions are not a theoretical problem. Historic conditions are still in force. The Terrigal Hotel found this out when it ended up in court, and then on appeal, as it contested charges brought under its "no rock music" condition. Expert music witnesses were called to the court to testify about the distinction between rock music and rock-and-roll. There is a subtle historical shift in the genres, as was explained to the court. Eventually most charges were dismissed with the appeal finding that while the music was definitely upbeat, it was not rock music. Who decided to spend the time of our magistrates and appeal courts on this? Who let this loose? The answer is that, in the end, we did.

These laws should not have been on the books. That is what this bill seeks to remedy. That is what we seek to fix: to sweep away those historic licence conditions in a single action, to remove bans and restrictions on music in venues and to create jobs for some of the lowest paid workers in the State. Hardworking New South Wales musicians are the original gig workers. Music is central to the Opposition's vision for the night-time economy. Our music industry has massive potential. It is our largest cultural industry, bigger than all of the others combined. It is popular, with 3.2 million people attending contemporary music performances last year in New South Wales.

It is growing, with Goldman Sachs estimating global industry revenue will reach US\$142 billion by 2030. But it is also so much more than that. Legendary singer/songwriter Jenny Morris said, in delivering her National Press Club address in Canberra:

Songs are bridges between people—between joy and heartbreak, memory and understanding—connecting generations, and spanning the globe. Think of songs like *Imagine* by John Lennon, or *Took the Children Away* by Archie Roach, or *Better in Blak* by Thelma Plum.

Jenny Morris, one of our best loved performers and the chair of APRA AMCOS, set out her vision for Australian artists, publishers and creators to earn a 5 per cent share of the US\$142 billion market. Success could mean an extra \$3 billion a year in export income for New South Wales. To put that in perspective, that could see music in New South Wales overtaking some of our traditional export sectors such as gold or livestock exports. To make that happen, we first need to save our grassroots music scene.

New South Wales has a music venue crisis. The lockdown laws damaged Sydney's international and tourist reputation and the damage was more than reputational. As a parliamentary inquiry found, 176 potential venues were lost in the heart of the city. The City of Sydney reported half of our key medium-sized venues closed. They were the venues that had hosted the majority of ticketed music shows in the city. As we all know, the final blow came this year. The Parliament together had decided to lift those lockdown laws, but it was just a month and a half before the pandemic hit and the doors of those venues were closed again. Other cities around the world are similarly experiencing a grassroots music venue crisis, but they are doing more to tackle it. These regulations are one of the key reasons we are struggling.

I put on record some examples of what those conditions are. The committee decided to publish all of them so that they would be on the public record, because they are unbelievable. In Goros, a mirrorball was banned because it might lead to dancing. The Fringe Festival had a condition applied, which was then resisted and eventually removed, of no DJs, no dancing; they could not have even programmed ballet. We have already heard about the Terrigal Hotel, which did not allow rock music. They got off the hook because their music was upbeat but it was not rock music. The South Dubbo Tavern had one of the most remarkable conditions, "Entertainment is to be confined to solos, duos, small cover bands ... [singer/songwriters need not apply]". The Wharf Road restaurant in Nowra did not allow discos. The only entertainment it could provide was a guitarist and keyboard player or the playing of compact discs of a soft rock-and-roll nature—another subgenre. I will not read the full condition applied to the Ryedales Tavern in West Ryde but it stated, "Dance music is to be provided at other times ... [Compulsory disco]." A compulsory disco in West Ryde!

**The Hon. Don Harwin:** Why do you hate disco? That is what I want to know.

**The Hon. JOHN GRAHAM:** I acknowledge that interjection. I place on record that I am a fan of the disco genre. However, I am no small government advocate. We should regulate noise and the service of alcohol, but there are things that the Government should not regulate. The New South Wales Government had previously committed to dealing with this, and I quote Paul Toole, the Minister at the time:

Some of the conditions were imposed decades ago and serve no purpose at all today. The NSW Government is committed to streamlining regulation of licensed venues to encourage safe and vibrant entertainment options.

Mr Toole said it was a very welcome statement from the Government. The Government's bill will remove some of these restrictions. New section 70 (1) (a) of the Government's 24-hour economy bill removes the restriction on genres; new section 70 (1) (b) removes restrictions on the number of musicians or acts; and new section 70 (1) (c) removes restrictions on the types of instruments, but the Government is only doing half the job. That is why we are bringing this bill forward—out of frustration. These new laws still have a special section where entertainment conditions can be put back. Under section 79, entertainment conditions can be immediately reapplied if there is a complaint. Bans on live music are unchanged. The same conditions can still be applied by local council on a development consent.

As this is a complex area, I will categorise where we agree and disagree. The Opposition and the Government agree that we do not support regulating genres of music. Everyone agrees that it is not up to government to tell people to listen to jazz music but not pop, to soft rock but not rock-and-roll, or to country and western but not disco. We all agree that we do not support government regulating band size by insisting on one, two or three musicians to take the stage; or regulating instruments. The Government should not be able to ban drums or the base guitar. The Opposition goes further. We do not support banning mirrorballs or telling venue owners how to decorate. We do not support banning dance floors. We do not support the Government determining where that fine line exists between swaying to the music and real, live dancing. We do not support banning original singer/songwriters and insisting on compulsory cover bands.

At the South Dubbo Tavern a Cold Chisel cover band could happily take the stage to rapturous applause, but if Jimmy Barnes and Cold Chisel walked off the street and took the stage, it would be an illegal act—banned

under the current licence conditions and subject to regulatory action and possibly court action. That is madness. We seek to remove that provision in this bill. We do not support bans on live music. Those regulations are simply a ban on work for musicians. When we ban live music or DJs we are banning work for musicians, for low-paid workers. It is a workers' rights issue. Finally, we will not tell a band what direction they should face. In Tamworth a band would be welcome to come in off the truck, out of the heat, into the pub, to perhaps have a refreshing drink and play facing the audience. Those five issues: telling a band the direction it must face and bans on mirrorballs, live music, dance floors and original music are all measures that this bill addresses but the Government bill does not.

The second thing the Government bill does not do is remove similar conditions from council development consents. Similar conditions are in place in hundreds of venue development consents across the State, put in historically and many of them paper conditions. Councils simply do not know how many are in place or where they are. This bill would give councils the power to strike out those conditions and make them inoperative. It is not compulsory to do that; it is up to the council and it should be decided at a local level. Councils have made it clear that they do not have the power to remove development consents without going to full community consultation on each individual development approval. Without that power, councils will not act—they cannot act. Without those changes this situation cannot change. That is why this bill also seeks a power for councils to strike out entertainment conditions of the sort described in the consents.

I thank Local Government NSW and a number of individual councils for the feedback they have provided in the development of this bill. I thank many of the artists who have contributed to this discussion over the course of a number of years of parliamentary inquiries—I will not name them all; their names can be found on the parliamentary record. I regard them all as heroes for what they have done in fighting for the grassroots music scene in New South Wales. I will name some who have turned up today to back this bill: Izzi Manfredi from The Preatures; electronic music artist Kristy Lee Peters, or KLP; ARIA award-winning jazz musician and a fantastic man, Jonathan Schwartz; Karma County's Brendan Gallagher; Body Type's Cecil Coleman; Georgia Mooney, an artist in her own right but also an important part of All Our Exes Live in Texas; L-FRESH the LION; Mahalia Barnes; Urthboy; and Colin Hay, who is prepared to back this bill calling in from Los Angeles. I thank them all for standing up for musicians but particularly for the grassroots music scene.

I also thank music organisations such as APRA AMCOS; the Live Music Office; MusicNSW; Live Performance Australia; the Media, Entertainment and Arts Alliance; Musicians Australia; the Australian Recording Industry Association; the Australian Festivals Association; Local Government NSW; the Australian Hotels Association; the Night Time Industries Association; ClubsNSW; the Independent Bars Association; and key venues big and small. I single out a couple of key venues that have really led the fight in Sydney: Solotel venues, Century venues, Venue 505, and the Oxford Art Factory. They have all been venues that have stood up for the grassroots scene. I thank the music industry press and music radio, community and commercial, for what they do. They are an underappreciated asset in the fight to save the grassroots music scene, doing important work in Sydney and New South Wales.

I thank members of the House who are key office holders in the Parliamentary Friends of Australian Music, like the Hon. Ben Franklin and the Hon. Shayne Mallard. I thank music fans like the Hon. Catherine Cusack and many other members who have stood up at this time. My colleague the Hon. Penny Sharpe served on the inquiry. I also thank many other music fans who have fought to change some of the conditions and save our grassroots music scene. We want the bill backed. We want the Government to either adopt it or adopt its changes in its own bill. We want a result here.

I thank members for giving me time to raise these issues. Members may have heard me raise some of them before—in fact, the allegation has been made by some that I have told some of these jokes previously, and it is true. That is because while dancing and rock music were banned in the 1984 movie *Footloose*, we still have bans and restrictions on dancing and rock music 36 years later in New South Wales. Those bans will be removed if the Parliament acts. If the bill is passed, bans currently in place on venues will be removed by united Government and Opposition action. Rock music, pop music, disco, country and western and jazz will be legal. Drumming, the bass guitar and the lead guitar will be legal. Three-piece and four-piece bands will be able to take the stage in hundreds of venues with parliamentary support.

Even if the Government bill is passed, bans and restrictions will still exist in nearly 100 venues on live music, on DJs, on original singer/songwriters so there will still be compulsory cover bands, on vinyl records, on bands facing a direction other than the south, and on mirrorballs. We seek to change that urgently. We have heard the message from nearly 17,000 people who signed a petition in the past 24 hours calling on the Government to take urgent action. Fiscal support and, importantly, regulatory support are needed urgently. If we do not act now, in addition to the hundreds of venues already lost, we may lose more. We could lose 85 per cent more, which

would mean further loss of jobs, income and potential. But more than anything else, we would also lose the fun and the joy that comes with having music in our lives. I commend the bill to the House.

**Debate adjourned.**

*Motions*

**NATIONAL POLICE REMEMBRANCE DAY**

**The Hon. ROD ROBERTS:** I move:

That private members' business item No. 708 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ROD ROBERTS (11:33:20):** I move:

- (1) That this House notes that:
  - (a) Police Remembrance Day is on 29 September 2020 and is the day that police and the community stop and pay honour to those police officers who have paid the ultimate sacrifice while protecting the citizens of New South Wales;
  - (b) Police Remembrance Day coincides with the 100 year anniversary of the founding of the NSW Police Association, the trade union representing members of the NSW Police Force; and
  - (c) due to COVID-19 restrictions it will not be possible to conduct this ceremony under normal conditions and this sombre occasion will therefore be conducted virtually, conforming to Public Health Orders.
- (2) That this House calls on the Government to support the application by the NSW Police Association for a light display to be projected onto the sails of the Opera House on 29 September 2020 in recognition of the lives given in the service of this State by brave men and women of the NSW Police Force.

Next Tuesday 29 September is Police Remembrance Day, which holds special meaning for all police officers throughout Australia. It is the day for us all to pause to honour the officers who have lost their lives in the performance of their duties. It is a day when we are reminded of not only the dangers of policing but also the dedication and professionalism of the outstanding women and men of the NSW Police Force. It is a time to reflect on the role of our police. They enforce our laws, making it safe for us to go about our work, participate in family life, practise our beliefs and move around this State. Their efforts allow us to live freely.

Their work is unrelenting, often silent and unseen. They are on the front line 24 hours a day, seven days a week, 365 days a year. Our police run towards the dangers that we run from. That is their duty and they do it on a daily basis without question or thought for their own physical or psychological wellbeing. They are there at all our natural and non-natural disasters—fires, floods, storms and now the pandemic, which could potentially cripple the State. The sight of a police uniform brings comfort to our law-abiding citizens and fear to those who choose to not live within our shared community values. Most importantly, Police Remembrance Day is the day to honour those heroes in the NSW Police Force who made the ultimate sacrifice to protect us and hold our communities together. It is a day to pay our respects and remember also their loved ones, to whom they meant so much and who have lost so much.

Currently 274 police officers are acknowledged on the New South Wales Honour Roll. We owe them and their loved ones an eternal debt of gratitude. Thankfully, in times of tragedy the NSW Police Legacy steps up to care for those families. Currently there are 1,264 police legatees. NSW Police Legacy is a charity for the police family established in 1987. It provides professional and compassionate support for police legatees, who are the partners, children and parents of police officers who have sadly passed. That is achieved through the provision of meaningful benefits, services, advocacy and educational grants to young children. It ensures that the children of our deceased officers are provided with the best opportunities to succeed in life whatever direction they pursue. I commend its work to the House.

On many occasions throughout my career I witnessed acts of selfless bravery and honourable conduct, placing many of my friends and colleagues in danger with numerous near-misses, not just physically but psychologically as well. It would be uncommon for any police officer to not have been touched personally by the death or serious injury of a colleague at some time during their careers. Some members may know a member of my staff, Gary Lockton. Gary is a former police officer like myself. Two of his workmates died while working for the State Drug Crime Commission in 1988. Constables First Class Craig Zucchetti and Mark Burns died on 16 March and 17 March respectively after a devastating motor vehicle accident in the Tamworth area.

My wife, Lynette, also a former serving police officer, lost a close friend and colleague during a special weapons and operations training exercise when Detective Constable First Class Bradley McNamara died on 31 October 1991. This year's Police Remembrance Day coincides with the centenary of the founding of the Police Association of NSW, the trade union representing members of the NSW Police Force and their families.

The association works tirelessly for the men and women of the police force. Currently it is campaigning to secure the promised wage rise for its members. The union represents the professional and industrial interests of approximately 16,500 members, covering all ranks of sworn police officers in New South Wales.

In most years there are numerous ceremonies across the State. However, those ceremonies will be reduced this year because of COVID-19 restrictions. The commissioner will host a Police Remembrance Day ceremony at the New South Wales police memorial wall in the Domain. However, it will not be open to the public or the wider police community. The names of New South Wales police officers who have lost their lives while performing their duties are etched in the memorial wall. For that reason, I note the support of both the Government and the police Minister David Elliott for the Police Association of NSW's application for a memorial light display.

It will be projected onto the sails of our internationally recognised Sydney Opera House on the evening of 29 September in recognition of the lives given in the service by the brave men and women of the NSW Police Force. The gesture will not be lost on current serving officers, former officers and the families of police in the State. I commend the Government and the Minister for their support. I encourage members of the House and the wider community to take time on the day to reflect on the sacrifices of the men and women of the NSW Police Force. On 29 September this year I will take some time during my day to thank all New South Wales police officers, past and present, for ensuring the safety, freedom and way of life for myself and my family.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (11:39:16):** On behalf of the Government I support the motion moved by the Hon. Rod Roberts. I commend the member for bringing this important matter to the House. Each year 29 September marks National Police Remembrance Day, which commemorates the service and sacrifice of our police officers who have lost their lives in the line of duty. It is a day to pause and reflect on the sacrifice of those officers, whose work is often perilous and unpredictable. Sadly, I have firsthand experience of the death of an officer who dedicated his life to protecting us all. My cousin was a police officer whose close colleague Senior Constable Glenn McEnallay was killed while on duty in 2002. Senior Constable McEnallay was posthumously awarded the Commissioner's Valour Award.

I saw the impact on my cousin and his family—it was devastating. My cousin, an officer who had planned on a long career in policing, was so deeply shaken by Glenn's death that he could not bring himself to put the uniform on again. He left the police shortly thereafter. Our officers are unsung heroes. They and their colleagues in emergency and health services have been at the front line during this most challenging year as we have dealt with the virulence of COVID-19. As we have seen in recent times, police in the country have played an integral role along the State's borders, helping to protect us from the pandemic. It can be a challenging task for officers who live in smaller towns and do not have the anonymity of city police. The sacrifices and support given by the families of our NSW Police Force is enormous and immeasurable and forms part of the fabric of our community.

On Police Remembrance Day this year, the sails of the Sydney Opera House will light up in blue and white checks in remembrance of the fallen and to celebrate a profession that deserves our community's respect, support and gratitude. In light of this decision by the Sydney Opera House Trust, I have suggested, and the Hon. Rod Roberts has agreed, that it is appropriate for me to move an amendment. I move:

That the question be amended by omitting paragraph (2) and inserting instead:

- (d) on 29 September 2020 a light display will be projected onto the sails of the Opera House in recognition of the lives given in the service of this State by brave men and women in the NSW Police Force.

I commend the motion to the House.

**The Hon. MICK VEITCH (11:42:08):** I support the motion moved by the Hon. Rod Roberts and I commend him for bringing it forward. At the outset I express my condolences to the families and friends who have lost loved ones. When you walk past the wall, it is a salient reminder of the grief so many families have suffered over time. I extend my appreciation to the Government for accepting the initiative. It is an appropriate measure to take during the COVID-19 pandemic when people will not be able to attend the wall. I also extend my appreciation to the President of the Police Association of NSW Tony King and Secretary Pat Gooley. We should also reflect upon those who were presiding members at the beginning of the police association—the first secretary, Bertram Fortescue, and the first president, Thomas Pauling. I doubt that one hundred years ago they would have contemplated where the association would be today. I bring the country perspective to this discussion. Everyone in regional New South Wales knows their local police officers. Sometimes that is good and sometimes that is bad, but you know your local police officers.

**The Hon. Rod Roberts:** Only good in your instance.

**The Hon. MICK VEITCH:** I acknowledge the interjection by the honourable member. Absolutely! The local police officers do a fantastic job. As the Minister suggested, they do not enjoy anonymity in their

communities. Their presence and everything they do is quite visible. When a police officer is lost in often dramatic and drastic circumstances, it impacts the whole community. The grief is palpable for everyone. It is a terrible thing to experience. We should also reflect upon the fact that policing is a difficult, stressful and physically demanding job. Often it causes long-term impacts such as post-traumatic stress. We need to spend a lot more time encouraging police officers to reach out and seek support as their mental health is extremely important.

As the Minister suggested, often they leave the force not feeling so well and often after not achieving the goals they set when first entering the police force. That ill feeling lingers for quite some time. I have a mate who is a former police officer and he struggles from time to time. He is lucky he has a close-knit group of men around him to help him through those difficult times. I commend the motion to the House. I commend the amendment from the Government. My thoughts are with all of those families and communities who have lost loved ones while performing their duty.

**The Hon. TREVOR KHAN (11:45:18):** I acknowledge the fine nature of the motion that has been moved by the Hon. Rod Roberts. On 8 March 2012 I returned to Tamworth for a tragic event: the funeral of Dave Rixon. Dave was killed on 2 March 2012. The impact of the death of any individual is traumatic. But we had the death of an officer who was 40 years of age. He had spent 22 years in the NSW Police Force and was leaving behind his wife Fiona—who I knew—and their six children. The grief was palpable. There were too many people to be in the church. Many of us were outside. It was a difficult day.

Dave was a traffic cop who I had known for some time. Unlike many, after 22 years of service as a cop he had remained a decent bloke. If he gave evidence, we would get close to the end and I would think, "Well, we're not going to get anywhere there." Dave was a decent man and he was prepared to give evidence in a way that was unaffected, honest and trustworthy. On 2 March at 7.30 in the morning Dave sought to stop a car in Lorraine Street, West Tamworth, and the murderer shot him. Dave had time to return fire four times. He had time even to put the handcuff on one arm of the murderer before he succumbed to his wounds. It is tragic to go to work and suffer that outcome. No words can describe that experience for any family or community. I extend my sincere regards to his family and to all those officers who have suffered such a terrible fate.

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (11:48:14):** I support the motion moved by the Hon. Rod Roberts and commend him for bringing this important matter to the House. On 29 September one of our national icons will be lit up to remember our fallen heroes as part of this year's Police Remembrance Day. The lighting up of the Sydney Opera House sails is one small way we as a State can show our support to the families and loved ones of the those police officers who have died in the course of their duties. We hope that this small gesture shows the community at large the esteem we hold our police officers in for undertaking an often thankless task of keeping our communities safe. It is fitting to have one national icon being the conduit to commemorate another.

In recent years we have seen our police officers rise to the challenge when faced with the worst bushfires in the history of our State, and they excelled. We have seen our police officers rise to the challenge when faced with the pandemic, whether it be through the border operation, the quarantine operation or general compliance enforcement; there, too, they have excelled. As the mental health Minister, I thank each and every one of them for the tireless work that they do, often with people who are having their worst day and are at their most vulnerable. In the NSW Police Force we truly have a rich heritage of excellence. On this Police Remembrance Day, I ask the community to take a moment to reflect on the danger that our police officers put themselves in for the benefit of our safety. As is often remarked, they run into danger as we escape it. To conclude, I put on the record my heartfelt congratulations to the Police Association of NSW for reaching its 100th anniversary. I commend the motion to the House. I also commend the honourable member for bringing it forward.

**The Hon. COURTNEY HOUSSOS (11:50:17):** I make a brief contribution to the motion from the Hon. Rod Roberts. I commend him for bringing such an important matter to the attention of the House. Police Remembrance Day is on 29 September this year. I offer my sincere condolences to the families of those police officers who get up and go to work as we all do, do incredible things on behalf of our community and never come home. Other speakers, including the Deputy President, have eloquently shared heartbreaking stories of the lifelong impact that loss has. I commend the Deputy President and others for sharing those experiences with us. This morning a colleague of mine reflected on a funeral that she attended. She was nearly brought to tears at the thought of the young son, who attended wearing his father's hat.

As members of Parliament we get to see those moments and those impacts, but we do not always feel them in the same way that families do. It is appropriate that we have a day and an icon like the Sydney Opera House, which will be lit up on that day, to remember that incredible sacrifice. As other speakers have said, police officers are people who get up every day, go to work and run into situations from which any normal person would want to run in the opposite direction. They sometimes see the very worst of humanity, but they continue to turn up, day in and day out, to protect our community. I say thank you to those serving officers and to those who have served

in the past. It would be remiss of me not to reflect on the 100th anniversary of the Police Association of NSW and give a shout-out to the incredible people who work there.

As a member of the Labor Party I respect the police association and the incredible density it has over its members. That is a testament to the work that it does. Kingy, Gooley and Beary are amazing in their advocacy and I pay tribute to that. It would be remiss of me not to mention the fact that over the past couple of months, as many of us have had the luxury of working from home, police officers and other emergency services have continued to go to work in the uncertainty of the COVID environment. They put themselves out there, continuing to protect our community. It is only fair that they receive a pay rise. I wish the Police Association of NSW and the police officers the very best in their campaign as it is pursued through the Industrial Relations Commission. I commend the motion to the House and I look forward to it being supported.

**The Hon. BEN FRANKLIN (11:53:25):** I speak in support of the motion and thank the Hon. Rod Roberts for bringing it to the House. It is always important to acknowledge those who have lost their lives in the line of duty when serving our citizens. At this time in our history it is more important than ever. In the majority of towns and suburbs around Australia, you will find a memorial to a police officer or officers who have had their lives cut short. I particularly acknowledge the words of the Deputy President in showing the deep anguish and pain that that can cause regional communities. It stands as a universal reminder of how communities are touched by the work of the NSW Police Force and the important role that it plays in protecting us. I acknowledge the trauma that many officers who are left behind face when dealing with the loss of a colleague while on duty. I acknowledge the comments of the Leader of the Government in that space.

On 29 September we join with our neighbours in New Zealand, Papua New Guinea, Samoa and the Solomon Islands to pay our respects to all police who have been killed on the job and to remember those who have passed away in other circumstances. COVID-19 has totally changed the way the world operates, but in New South Wales it has also shown how important our police men and women are. The pandemic has brought the role of the police force front and centre during the crisis. It has played a crucial role in hotel quarantine. It has enforced public health orders to protect the community and has enforced our borders. Police Commissioner Mick Fuller and his team have been utterly vital in updating the public at press conferences with the Premier and Chief Health Officer and keeping the confidence of our State. It would be fair to say that without the police force and its combined efforts in working with NSW Health in the face of the pandemic, we would not be in the position that we are in today. It is well known that our police force is absolutely fundamental to protecting the liberties of each and every citizen in the State, and to preserving and maintaining the societal structures upon which we all rely.

It is vital that the police continue to build relationships with individuals and organisations throughout the community so that every individual understands the vital role that they play. To that end, I commend the work of the PCYC, which started in 1937 as a small club through a collaboration with Rotary Australia and has grown to 64 clubs with over 100,000 members throughout New South Wales. The clubs are fantastic; they keep kids off the street and create a sense of purpose and belonging for young people. More importantly, they create an initial, immediate and vital link between the police force and young people who are at risk. They create that trust and understanding right from the get-go, which is critical. Our police play an integral role in our society in so many different ways, making our communities better and safer places to live. I thank them for their work, acknowledge their extraordinary service and remember all those who have lost their lives in protecting the citizens of New South Wales.

**The Hon. TAYLOR MARTIN (11:56:29):** I support the motion of the Hon. Rod Roberts that recognises Police Remembrance Day, which will be marked on 29 September, as it is each and every year. Police Remembrance Day is an opportunity for us to commemorate the service and sacrifice of members of the NSW Police Force and police in other States and jurisdictions who have lost their lives in the line of duty. It is an important reminder of the continued dangers that police officers face each day when serving our community. In particular, this year we remember Constable Aaron Vidal, an officer at the Sydney City Police Area Command, who was travelling home after work earlier this year and was killed tragically in a vehicle accident. We also remember Leading Senior Constable Lynette Taylor, Senior Constable Kevin King, Constable Josh Prestney and Constable Glen Humphris, who were tragically killed in a car crash on Melbourne's Eastern Freeway in April, as members will remember. Glen Humphris was born on the Central Coast and moved to Melbourne four years ago with his partner.

He entered the Victorian police force less than 12 months prior to the incident that caused his passing. Anyone who saw the video of Constable Humphris being repatriated to the Central Coast was extremely moved by the vision of police officers standing alongside the Hume Highway as his hearse passed them. Four Victoria Police highway patrol vehicles escorted the hearse on its journey to Hovell Tree Park in Albury, where Victoria Police handed over duties to the NSW Police Force. Victoria Police Chief Commissioner Graham Ashton handed



Constable Humphris' hat to NSW Police Force Deputy Commissioner Jeff Loy in a short repatriation ceremony before five New South Wales officers on motorbikes took over the escort. Finally, I welcome the call for the Government to support the application by the Police Association of NSW for a light display on the Sydney Opera House. I welcome and support the amendment moved by the Leader of the Government to recognise the lives given in service of the State by the brave men and women of the NSW Police Force. In these times, when we are unable to conduct the usual ceremonies, it will be a good alternative form of acknowledgement. I commend the motion to the House.

**The Hon. PENNY SHARPE (11:58:55):** I thank the Hon. Rod Roberts for moving this important motion. Everyone deserves to go to work and come home safely. Every day we ask a lot of our police. We ask them to go into the community 24 hours a day, every day of the year, to see things that most of us never see and sometimes to experience the worst of people's behaviour. Labor members want all police who work to keep our communities safe to be able to do their jobs and return to their workmates and to their families at the end of the day.

The motion refers to the 100-year anniversary of the Police Association of NSW. I am pleased that the House will support a motion that supports a trade union, which has worked collectively for over 100 years for the betterment of its members, and that recognises the role of unions in improving safety standards and working conditions for our police officers. Often lip-service is given to issues such as this but largely it is the work of the unions that has advanced the pay, conditions and safety of police officers. I am pleased that the House will recognise that. I send my best regards to all members of the NSW Police Force. I also send my deepest condolences to all who have lost people in the line of duty, to all who are living with the consequences of that and to all police officers who have experienced violence and assault and ongoing mental health issues as a result of the tough job that we ask them to do every day.

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

*Questions Without Notice*

**DEPARTMENT OF EDUCATION**

**The Hon. ADAM SEARLE (12:00:56):** My question is directed to the Minister for Education and Early Childhood Learning. Will the Minister advise the House of how many positions have been cut as part of the NSW Department of Education restructure?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:01:12):** I thank the Hon. Adam Searle for his question, which asks about what is happening operationally with respect to the restructure of the Department of Education. I will take the question on notice, make inquiries of the secretary and other department staff, and come back to him with an answer.

**INDIGENOUS BUSINESS MONTH**

**The Hon. SHAYNE MALLARD (12:01:40):** My question is addressed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on how the New South Wales Government has worked with Aboriginal businesses to strengthen their economic presence 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) (12:01:52):** I thank the Hon. Shayne Mallard for his question and his undoubted interest in Aboriginal affairs. The Government acknowledges the effect of COVID on all businesses in the State. We have some way to go before we return to the economic health that we would all hope for. The Government is intent on growing the State's economy. Obviously as far as possible the recovery will be business-led, which means ensuring that we do what we can to grow Aboriginal businesses. I am pleased to advise the House that next month is Indigenous Business Month. This is the sixth year of running Indigenous Business Month and the theme is "invigorate, build and maintain to keep our sector strong". Indigenous Business Month recognises the resilience and innovation in the Aboriginal business sector. It seeks to highlight and acknowledge the work of those businesses as they respond creatively to some of the challenges that the year has presented.

In October the events and networking opportunities of Indigenous Business Month will be live-streamed to enable them to take place in a COVID-safe way, which is important. Our business advisory services have been adapted and strengthened to increase support for Aboriginal entrepreneurs and small business people. In addition to the New South Wales Aboriginal Enterprise Development Officer Program, which offers free advice to Aboriginal business people, the Business Connect program, with which my colleague the Hon. Damien Tudehope is familiar, employs Aboriginal business experts to provide specialist advice. I am delighted to report that the programs are working and are in high demand. In fact, in the past three years the number of Aboriginal businesses

to which they provide services has increased by 30 per cent. Things are improving but we know there is more to do. I am delighted to take the opportunity of Indigenous Business Month to recognise and acknowledge the work of the Aboriginal business sector. Undoubtedly a strong Aboriginal business sector is an absolutely vital part of the closing the gap agenda. I say to all participants: All the best for Indigenous Business Month.

### THE NATIONALS

**The Hon. PENNY SHARPE (12:04:58):** My question is directed to the Minister for Mental Health, Regional Youth and Women in all three of her portfolio capacities. What support has the Minister offered to Ms Jess Price-Purnell, who resigned this week as President of NSW Young Nationals and Chair of NSW Women's Council, citing abuse from The Nationals officials, including the electorate officer of the member for Monaro?

**The Hon. Sarah Mitchell:** Point of order: The member's question relates to internal party organisational matters with respect to party membership and is not within the scope of questions the Minister is required to answer.

**The PRESIDENT:** I will have a look at the question before I call on the Leader of the Opposition followed by the Hon. Walt Secord.

**The Hon. Adam Searle:** To the point of order: The question addresses the three portfolios of the Minister: mental health or mental wellbeing; regional youth, because the person about whom the question asks meets that description; and women. In fact, it ticks all three portfolio boxes. The fact that it may also relate to internal party matters does not disqualify the question from being in order.

**The Hon. Walt Secord:** The Hon. Adam Searle made all four points that I intended to make.

**The PRESIDENT:** Standing Order 64 (1) states:

Questions may be put to Ministers relating to public affairs with which the Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which the Minister is responsible.

In 2009 the then President Primrose made two rulings that come close, if I can use that expression. He ruled:

Questions may be put to Ministers relating to public affairs with which the Minister is officially connected. Matters relating to a foreign government do not come under the purview of a Minister in this House.

The then President Primrose also ruled:

A question relating to the rewriting of a political party's platform is out of order as it is not a question relating to the public affairs with which a Minister is officially connected, to proceedings pending in the House, or to any matter of administration for which a Minister is responsible.

The question is very clever in that it relates to a political party and to the resignation of a person from a political party office. The question cites abuse from that political party's official and asks what the Minister is doing about that in her capacity either as Minister for Mental Health, Regional Youth and Women. I am of the view that the question is out of order.

### SCHOOL COUNSELLING SERVICE

**The Hon. MARK BANASIAK (12:09:39):** My question without notice is directed to the Minister for Education and Early Childhood Learning. The Government made an election commitment to employ 100 full-time counsellors and 350 student support officers at a cost of \$88 million. Given that it represents an investment of \$28,000 per school—well short of the necessary funds to ensure a full-time counsellor—will the Minister now concede that the policy is underfunded? Will she guarantee that any funding will be recurrent and form a permanent part of staffing allocation so that principals will not have to sacrifice other positions in future years to maintain those appointments?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:10:13):** I thank the member for his question about our commitment to provide every public high school in New South Wales with two dedicated professionals to ensure that students have access to timely mental health and wellbeing support. As he mentioned, it was an \$88.4 million commitment to employ up to an additional 100 school counsellors and school psychologists so that every high school has a full-time psychology specialist support onsite. As the member would be well aware, all our schools have access to counsellors at the moment. The commitment is to ensure that we have that full-time capacity in all of our high schools, and that is why we are employing up to an additional 100 school counsellors. We are also rolling out the tranches of student support officers, who will provide students with extra accessible support if they are feeling stressed, anxious or facing issues of bullying in the classroom.

Their role is to act as a connector between students and families, and external agencies if needed. The member would also be well aware that we have a strong pipeline of trained and qualified school counsellors

and school psychologists that we are drawing on over the next few years. A total of 328 people will join the school counselling workforce between now and 2023, bringing the number of graduate scholarships for psychologists and teacher training to 566 since 2016. It will also fill the existing positions within the school system. We are proud of our record in this space. It is important that that commitment is on track. I have every confidence that it will be successful.

### EARLY CHILDHOOD EDUCATORS

**The Hon. WES FANG (12:11:53):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on what the New South Wales Government is doing to attract early childhood teachers to the profession?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:12:15):** I start by acknowledging that on 2 September, as many members know, we celebrated Early Childhood Educators' Day. The day recognises and celebrates the work of Australia's educators in early learning services for their wonderful contribution to the wellbeing and healthy development of young children in their care. It was a chance to say thank you to them for all the work that they do looking after our littlest learners. I have been fortunate in my time as Minister to meet many passionate early childhood educators across the State. The Government—and I am sure all members of the House—acknowledges the importance of their work. To coincide with the important day, I was delighted to announce a new Early Childhood Education Scholarships Program. The program builds on three previous scholarship programs—the Rural and Remote Early Childhood Teaching Scholarship, the Incentive Scholarship and the Aboriginal Early Childhood Education Scholarship—to increase the number of early childhood teachers available in New South Wales.

Early childhood educators play a critical role in children's development. Attending early learning services teaches children social skills, practical skills and early literacy. Our educators guide children, build their confidence and help them make sense of the world around them. The scholarships aim to increase the number of early childhood teachers working in the sector in New South Wales in line with the Government's Early Childhood Education Workforce Strategy. The scholarships will support the Government's vision of a highly qualified and sustainable workforce that meets the needs of children and families, including those from culturally and linguistically diverse backgrounds and those living in regional and remote locations. They will also meet the needs of children with additional needs. While there have been many successful scholarship recipients across New South Wales, today I acknowledge one in particular, Sabrina Allen, who is a previous recipient of the scholarship program. Sabrina graduated in 2019 and is currently employed at Goodstart Early Learning Child Care Centre Grafton. Working within early childhood education, she loves supportive relationships she builds with children, knowing that what they learn and take with them will help shape who they become in the future.

The Government understands that supporting high-quality candidates to study and take up careers as early childhood educators is key to our commitment to ensure that children across New South Wales have access to quality early education wherever they live and whatever their circumstances. Successful applicants will be offered a scholarship of up to \$20,000 to undertake or complete an approved early childhood teaching degree qualification recognised by the Australian Children's Education & Care Quality Authority. Up to 40 scholarships will be awarded each year for three years. Scholarships will be prioritised to meet emerging workforce needs, including those already employed in eligible services, Aboriginal people, those in regional and remote areas and/or those with high numbers of disadvantaged children. Applications are open until 4 October. I encourage members to publicise the scholarship opportunity in their communities. Information about the program is available on the department's website.

### FIREARMS REGISTRY

**The Hon. ROBERT BORSAK (12:15:26):** My question without notice is directed to the Minister for Finance and Small Business, representing the Minister for Police and Emergency Services. Is the Minister aware that during the Edwards inquest last week multiple Firearms Registry employees gave evidence that the registry was understaffed in 2017 when Edwards' licence applications were processed and remain so now? Do adjudicators at the Firearms Registry have weekly quotas for processing licence and permit applications?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:15:57):** I thank the member for his question. I have followed the Edwards inquiry with some interest. I used to represent that part of Sydney when I was the member for Epping and, in fact, my son lives across the road from the location where that incident took place. He was one of the first responders with a neighbour, who was in close residence, and nearly confronted John Edwards as he was leaving the location where he perpetrated that awful crime. As with every inquiry, significant issues are raised about how justice is administered and how we could do things better. The nature of a coronial inquiry is to ask how things went wrong and how government can do better. If there is

substance to the issue that the honourable member has raised about understaffing at the Firearms Registry and the assertion in relation to quotas, I am sure they will be the subject of recommendations from the inquiry.

Losing those children and their mother subsequently taking her life is one of the great tragedies that has befallen this city. It is something we cannot ignore. If, in fact, there is a direct link between the inefficiency of the Firearms Registry, the undermanning of the registry and quotas attached to the manner in which Firearms Registry staff are required to operate, it is much more appropriate for the House to be guided by the recommendations and the findings of the coronial inquiry rather than for the Minister for Police and Emergency Services to provide an answer to the member's question. In those circumstances the Minister should then properly respond to those findings and recommendations.

#### REGIONAL CULTURAL FUND

**The Hon. WALT SECORD (12:18:52):** My question without notice is directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Is the Minister confident that all probity processes were followed involving his decision to hand \$44,393 to the Literary Institute of Batlow in June 2018, based on the advice of the then local MP, Mr Daryl Maguire, who is now before the ICAC?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:19:30):** How extraordinary.

**The PRESIDENT:** Order! The Minister will resume his seat. The Clerk will stop the clock. The Hon. Walt Secord asked a question in an appropriate manner and made no further comment. The Minister rose and, all of a sudden, Government members took it upon themselves to interject, which encouraged the Hon. Walt Secord to interject. The Minister had not said one word. The question was asked of the Minister, and the Minister will respond to the question. If a question is inappropriate, a member can take a point of order and I will deal with it, but members will not start interjecting. That encourages more interjections, which the Minister will have to try to speak over. The Minister should be heard in silence.

**The Hon. DON HARWIN:** As it happens, I travelled to Batlow and had a good look at what the funding would be spent on. I met with people in the town of Batlow who love their hall. They love the festivities that go on in the hall, and they have a great local festival. All of those people do it out of the love they have for the town and for the various art forms that are shown in the institute. I have never, ever heard any suggestion of anything untoward about the application. If the Hon. Walt Secord suggests that there is something untoward, I encourage him to put up or shut up. Honestly, how dare he come into this House and slur the people of the community of Batlow about a very good project?

**The Hon. Walt Secord:** Point of order: The Minister can sledge all he likes, but the key part of the question, which he has conveniently ignored, was:

... based on the advice of the then local MP, Mr Daryl Maguire, who is now before the ICAC?

The Minister has conveniently neglected that part of the question.

**The Hon. DON HARWIN:** And you are making a speech.

**The PRESIDENT:** Order! I call the Hon. Don Harwin to order for the first time. I call the Hon. Walt Secord to order for the first time. I have made it clear that I do not want members to interject when I am speaking. I have indicated on numerous occasions that, when a question is asked, a Minister can answer any part of the question the Minister wishes to answer. I have also made clear on a number of occasions that members cannot take a point of order that quotes only one part of the question and contend that the Minister is not responding to the question or being directly relevant. The question that was asked by the Hon. Walt Secord was clear. It stated:

Is the Minister confident that all probity processes were followed involving his decision to hand \$44,393 to the Batlow Literary Institute in June 2018 ...

That was part of the question. It went on to say, "based on the advice of the then local MP." The Hon. Walt Secord cannot say the question is only the last part of the question. The Minister was being directly relevant to the first part of the question.

**The Hon. DON HARWIN:** I will make a couple of points about the Regional Cultural Fund [RCF]. A probity plan was developed by Create NSW, which provided that the RCF would be administered in accordance with five guiding principles, which I will not go through, though I am happy to outline them on request. The final probity report issued by Clayton Utz for rounds one and two of the Regional Cultural Fund found that all probity principles were complied with. Every project that has received funding through the Regional Cultural Fund was assessed as eligible to receive funds under the program guidelines. Assessments were carried out by an

independent panel with a probity adviser present. That puts an end to the matter, as far as I am concerned. The Batlow application, which was made by a community group and which was improperly characterised by the honourable member in his question, was for a good project that is important to the town. Like many of these Regional Cultural Fund projects, I am immensely proud of it.

**The Hon. WALT SECORD (12:24:45):** I ask a supplementary question. Will the Minister elucidate the part of his answer where he spoke at length about meeting the residents at the hall? Did the meeting occur before or after the grant was approved?

**The Hon. Damien Tudehope:** That is a new question.

**The Hon. Penny Sharpe:** Are you taking a point of order?

**The PRESIDENT:** I will rule on it. The supplementary question meets the three requirements. The supplementary question is in order.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:25:21):** To the best of my recollection, the meeting happened after a decision had been made to fund the project. I will check, but I am almost certain it was after.

### COVID-19 AND MENTAL HEALTH

**The Hon. LOU AMATO (12:25:37):** I address my question to the Minister for Mental Health, Regional Youth and Women. Will the Minister outline to the House how organisations such as BEING are supporting people with a mental illness during the pandemic?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:25:56):** I thank the member for his question. The COVID-19 pandemic has changed our lives in many ways and created new challenges. People with a mental illness have experienced heightened anxiety and increased isolation. The Government is funding an innovative mental health peer support phone line, which I am really excited about, for people in New South Wales who experience mental health issues and who feel isolated due to COVID-19 restrictions. BEING is the New South Wales peak body for people with lived experience of mental health issues. On 13 July BEING started operating the Mental Health Peer Support Line. The service, BEING Supported, is a free, non-crisis, telephone peer support service that is available to people living in New South Wales who feel isolated, alone, concerned or distressed during the COVID pandemic and who would like to talk to someone.

Unlike a hotline for those in an immediate crisis, the BEING Supported service is a warm line, which provides early intervention with emotional support to prevent a crisis. BEING Supported is staffed by trained, skilled peer support specialists who have experienced mental health issues. They are equipped to provide peer support over the phone and referral to services as required. No referral is required to access the BEING Supported warm line. Calls are accepted from anyone who feels that they may benefit from the service. The New South Wales Government is providing \$800,000 to BEING to run the six-month pilot service until the end of 2020. The outcomes of the pilot will be evaluated independently. The funding is part of the Government's mental health response package during the COVID pandemic.

BEING Supported is the only peer-run and facilitated support line in New South Wales. That is a really important point. The warm line is staffed by experienced peer support workers who provide social connection and, if required, referrals to other services. While employment is very important at this time, the initiative provides employment opportunities for up to 15 people with lived experience of mental illness in part-time and full-time positions; that is equivalent to 10 full-time staff. The service is available seven days a week from 10.00 a.m. to 4.00 p.m. and 6.00 p.m. to 10.00 p.m. If you would like to call BEING Supported to have a conversation with a mental health peer support worker, the number is 1800 151 151. The team at BEING—and I must give a shout-out to Irene Gallagher—has done a fabulous job making the service a reality in response to concerns from people with mental illness who are experiencing isolation and increased anxiety. I am very excited about the new service and I cannot wait to see the outcome of the evaluation. I expect it will provide great benefits to people experiencing mental illness. [*Time expired.*]

### GREYHOUND RACING INDUSTRY

**Ms ABIGAIL BOYD (12:29:00):** My question is directed to the Minister for Finance and Small Business. In seeking to contribute to the statutory review into the Greyhound Racing Act 2017, the terms of reference of which explicitly include, "the examination of appropriateness of the terms of an operating licence granted to Greyhound Racing NSW", both my office and various stakeholders have tried and failed to obtain the terms of that operating licence. We were advised by both the Office of Racing and Minister Anderson's office that the public is not able to access either the licence or its terms. How can the Government expect the statutory review

into the Greyhound Racing Act 2017 to be robust and legitimate when it is withholding key documents within the scope of the review from public access and scrutiny?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:30:04):** I accept that the question may potentially be properly directed to the Leader of the Government. There are two portfolios involved here: The Minister for Better Regulation and Innovation has responsibility for greyhound racing and the Minister for Customer Service is responsible for the information that is required. It is a detailed question and I understand the issues being raised by the member. Informing the inquiry is an integral part of confidence in the outcome of the inquiry. If there is information that should be supplied to the inquiry, then there is an obligation to make sure that some information sharing is available. Clearly I do not have the material available to me. It is a question very appropriate to take on notice. I will seek an answer from the Minister for Better Regulation and Innovation, and also from the Minister for Customer Service.

#### STUDENT LITERACY

**The Hon. COURTNEY HOUSSOS (12:31:28):** My question is directed to the Minister for Education and Early Childhood Learning. Given the Department of Education was unable to state how many schools were teaching the Language, Learning and Literacy [L3] program, how will the Minister guarantee that it will be removed from all schools by the end of the year?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:31:52):** I thank the honourable member for her question relating to the L3 program. As the member would know, under its literacy and numeracy strategy the Government has committed to review the specific literacy and numeracy programs that are commonly used in New South Wales schools to guide future investment. The department's Centre for Education Statistics and Evaluation [CESE] has completed the review of L3. The L3 program has been a commonly used departmental professional learning program to support the teaching of reading and writing. It began operating in 2008, and in 2019 three in five primary schools reported using some aspects of L3 professional learning in their early-years classrooms.

In its review CESE found that while L3 professional learning drew on some research, it did not draw on the full range of available research into early literacy teaching, especially the research that emphasised the importance of code-based approaches to early reading instruction through both explicit and systematic teaching. The research found that L3 does not adequately reflect the phonemic awareness or phonics components in CESE's literature review *Effective reading instruction in the early years of school*. L3 does not include advice to teachers to systematically teach decoding skills using phonic knowledge. We have made a commitment that we want to follow a system that works best and is evidence-based with explicit teaching practices. It involves teachers clearly showing students what to do and how to do it rather than having students discover that information for themselves. The review found that L3 professional learning provides teachers with an inconsistent approach to the explicit teaching of phonics and phonemic awareness.

**The Hon. Courtney Houssos:** Point of order: My point of order relates to relevance. The Minister has now used half of her time to summarise findings of the review of the program, but the question specifically asked what the departmental oversight is that will allow it to be removed. I ask that the Minister be drawn to that part of the question rather than summarising the report as many of us have already read it.

**The PRESIDENT:** The question is in two parts. The Minister is being directly relevant. The Minister has the call.

**The Hon. SARAH MITCHELL:** As I was saying, the review found that 84 per cent of schools engaging in L3 training reported also using additional purchased programs alongside L3 to supplement their practice and two-thirds of schools reported the need to modify L3 when implementing the program in their schools. The impact of those findings is that the L3 professional learning is not being delivered and implemented consistently by teachers across the State. The Hon. Courtney Houssos asked how we are going to make sure that it does not continue and the answer is pretty simple: We are retiring L3 professional learning at the end of this school year. All the department's resources for professional learning are being removed. We are going to provide updated resources to schools to continue to support them with a suite of evidence-based literacy and numeracy professional learning and diagnostic assessments.

**The Hon. COURTNEY HOUSSOS (12:35:12):** I ask a supplementary question. In the Minister's answer she referred to the review of a range of literacy and numeracy programs that were being provided. Will the Minister elucidate her answer and tell us what other programs have been removed as a result of this review?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:35:30):** I thank the honourable member for the question. I did say that as part of our literacy and numeracy strategy that there was a commitment to review specific literacy and numeracy programs commonly used in New South Wales

schools to guide future investment and obviously this review of L3 was one of them. I will take on notice the specifics relating to other work that the department is doing as part of its strategy, if there are other programs being looked at and the results, and come back to the member.

**The Hon. ANTHONY D'ADAM (12:36:05):** I ask a second supplementary question. In the Minister's answer she said words to the effect that L3 professional learning will be retired at the end of the year. Will the Minister elucidate that element of her answer to explain whether that means that teachers can continue to teach L3 professional learning until the end of the year, therefore teaching something that is ultimately redundant?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:36:30):** I thank the honourable member for his question. As I said, this is coming off the back of a report commenced in 2019 and completed in 2020, which made it clear that L3 is not an effective program to assist with reading instruction. Now that that review has been conducted the department has acted promptly in making the decision to retire the L3 professional learning. By doing that, the department is removing those resources and professional learning. There is one term left. The department's correspondence that will go out to schools and the conversation around the review will make it clear that it is not going to be an option going forward. I will seek more specific detail about the advice that principals and school communities will receive. Clearly we are moving away from L3 as a professional development course and resources will not be available. I will seek additional advice around the timing of it.

### SMALL BUSINESS MONTH

**The Hon. SAM FARRAWAY (12:37:32):** My question is addressed to the Minister for Finance and Small Business. How will Small Business Month help to build confidence in small businesses throughout New South Wales and contribute to the economic recovery?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:37:52):** I thank the honourable member for his question and his emphasis on increasing confidence. Last week I answered a question in this place relating to employment figures. I was accused of having too much hubris in relation to it, which was possibly justified. However, the important component of talking up and talking about getting businesses and employment going is being confident and building other people's confidence. That is why Small Business Month in October is such an important part of the initiative being taken by the Government. It could not come at a better time because of the necessity to build the confidence of small business and encourage the thousands of people throughout New South Wales to have more drive, ingenuity and vision in relation to their businesses. The major theme of this year's festival is rebooting, focusing on upskilling with social media or digi-tech, revisiting financial foundations, business planning, future-proofing businesses and managing teams.

I am delighted that 120 local chambers of commerce and 90 local councils have each taken up grants offered by the New South Wales Government to run and sponsor COVID-safe events. For example, Wingecarribee Shire Council is collaborating with Southern Highlands Chamber of Commerce and Industry on a program of events, both face to face and online, across the local area that will be launched in Mittagong on 1 October by our enthusiastic NSW Small Business Commissioner, Chris Lamont. As well as these 210 events supported by New South Wales Government grants, hundreds of other events are being offered by our 182 collaborative partners. For example, SMB Digital powered by CeBIT Australia is a two-day virtual exhibition and conference that will help business owners better understand how they can utilise new technology to fortify their organisation for the future. The Spark Festival, Australia's festival of innovation, will be running a two-week live stream around all things innovation, startups and digital business. What better place to spend Halloween than at A Night at the (New) Museum, an event in Nyngan. Be there on 31 October 2020. The event is described as:

A unique opportunity for small business people in the Bogan Shire to visit our newly renovated and expanded Nyngan Museum and see what a fabulous tourism asset we have in our town. An opportunity to receive information from NSW Industry on small business opportunities and assistance.

Now is the time to spread the message that we are confidently getting back to business in New South Wales and that we back small business.

### SHENHUA COALMINE

**Ms CATE FAEHRMANN (12:40:54):** My question is directed to the Aboriginal affairs Minister. On Monday the Minister attended the Ministerial Indigenous Heritage Round Table to discuss best practice standards for Indigenous cultural heritage management and legislation. In August he confirmed that Shenhua's heritage management plan for its proposed open-cut coalmine on the Liverpool Plains will see the relocation of two Gomeroi axe grinding groove sites, a process that has been rejected by the Gomeroi people and has never been undertaken successfully by a mining company in New South Wales. Does the Minister consider moving those grinding grooves to be best practice standards for Indigenous cultural heritage management, given it goes

directly against the wishes of the Gomeroi people, who were brought to tears at the Planning Assessment Commission hearing and begged for their sacred grinding grooves to be saved?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:41:48):** That is a very good question. While I am sure Ms Cate Faehrmann has done her research, I would like to get further details and verify some of the facts that she stated. I will therefore take the question on notice and get back to her. I am not sure that I will be able to do that today, but I will respond to her as quickly as I can.

#### SHORE SCHOOL

**The Hon. ROSE JACKSON (12:42:34):** My question without notice is directed to the Minister for Education and Early Childhood Learning. What steps has the Minister or her department taken to respond to community concerns about offensive muck-up day activities like those at Shore School?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:42:53):** That is a good question and obviously an issue that has received quite a bit of media coverage today. The member has asked me what action I or the department has taken. Shore School, as she would well know, is not a government school. It is the case that any advice that goes out to that school community comes from that school. I would say that I do share what she said about those proposed muck-up day plans that were reported in the media today. It is pretty disgusting. I think that all members would recognise that the last days at school are pretty significant for year 12 students. There are traditions around muck-up days, but they have to be done in an appropriate, legal, acceptable and non-offensive way. It is very important. My message to year 12 students would be very clear: Do not participate in any events that are disrespectful, illegal or unsafe to commemorate the end of your schooling. Just show a bit of common sense. What was reported today is disgraceful. I agree wholeheartedly with the premise of the question. This is a great time in students' lives. It is not worth ruining it with behaviour that they will later regret.

#### ARTS AND CULTURE DIGITAL PROJECTS

**The Hon. TREVOR KHAN (12:44:15):** My question is addressed to the arts Minister. Will the Minister update the House on how the New South Wales Government is supporting the digital transformation of the arts and cultural sector?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:44:28):** There are so many examples across our independent arts organisations, State cultural institutions and others. I will bring three of those to the attention of the House in response to the Hon. Trevor Khan's question. First, earlier this year there was an initiative undertaken by the Government to help independent arts organisations develop online programs. Forty-six organisations were supported as a result, with a total of \$460,000 provided. That has been an excellent initiative and I know a number of organisations have upped their digital presence as a result. Perhaps the most significant is the way that Creative Kids has gone digital. That is a program with significant uptake as well and is very widely accessed in the community. There have been 8½ million Creative Kids vouchers issued since May for online activities alone.

I am pleased to say that four months ago there were only 58 registered providers with online activities. There are now 632. That is in no small part because of the Digital Small Business Grant Program that Create NSW ran for Creative Kids providers. Some 266 providers have taken the opportunity to upskill and expand their capacities in that regard. A total of \$1.19 million in funding has been allocated thus far. The third example starts tomorrow. It is a great initiative. It started elsewhere. It is called the Melbourne Digital Concert Hall. It is highly successful and Melbourne-based, but because of COVID it cannot be just Melbourne-based. In fact, it has also been recording in the Clancy Auditorium at the University of New South Wales. It needed that back so I am delighted to say that I have been able to put the program in touch with the National Art School. Now there is a very extensive spring program that is coming online starting tomorrow night, which will involve great artists like Simon Tedeschi, Jane Rutter and Kathy Selby. [*Time expired.*]

#### MARINE PARKS

**Mr JUSTIN FIELD (12:47:36):** My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. Why are members of the marine park advisory committees around the State—people who have been selected to represent local communities and stakeholders—bound by confidentiality agreements that prevent them from engaging with the community about the future of the management of marine parks? How does that help build awareness and confidence in the community about the Government's marine park plans?



**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:48:12):** The question is directed to a Minister from the other place whom I represent in this place. As it contains quite a bit of detail, I will take it on notice and get an answer back to Mr Justin Field as soon as possible.

#### **GOOGONG PRIMARY SCHOOL**

**The Hon. TARA MORIARTY (12:48:37):** My question without notice is directed to the Minister for Education and Early Childhood Learning. What is the Minister's response to concerns from Googong residents that parents are enrolling their children in other schools because they are not confident that the new primary school announced last week by the Minister and the Deputy Premier will open in time?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:49:00):** This is a good opportunity to talk about the school infrastructure projects that we are working on, including the new school at Googong.

**The Hon. Greg Donnelly:** It was a specific question.

**The Hon. SARAH MITCHELL:** I said "including the new school at Googong". It was a question about a school at Googong. This is obviously a commitment that we are very proud of. I was in Googong not that long ago, looking at the site with the Deputy Premier, the fantastic member for Monaro, the Hon. John Barilaro. We had a great community consultation process; parents and community members took part in a survey to tell us what they want for the school site. We have now made a commitment to secure funding for that project and we can make that project come to fruition. It is exciting. I think it is great for the Googong community because I know that a lot of families there are looking forward to the school being opened. As we have done throughout the course of the project, we will continue to update the local community on the time lines for the project and the build and on the opening for enrolments, as per our usual processes. I cannot wait to keep the House and the local community updated as this fantastic new school build progresses.

#### **TEACHER PROFESSIONAL DEVELOPMENT**

**The Hon. WES FANG (12:50:29):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the Government is raising teaching standards across the State to improve student outcomes?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:50:53):** I thank the honourable member for his question. As members would be aware, earlier this year the Premier and I announced our new Best in Class initiative, which rolled out a team of the State's best teachers to targeted high schools to improve teaching. The Best in Class team has been a huge success, continuing to support our teachers online throughout the COVID-19 pandemic, using proven and successful teaching strategies. More than 700 HSC teachers at 300 schools across New South Wales have already benefited from the Best in Class team of teachers as part of this new initiative to improve learning outcomes.

So far the program has been consistently highly evaluated by teachers, with 97 per cent of them reporting that they would use the learning in their classroom. That is why earlier this month the Premier and I announced 16 new teachers will be hired to join this team, increasing the number of teachers in the program from 50 to 66 during 2021. Best in Class is a team of the State's best teachers who share their classroom skills directly with teachers and students who need it most, while also developing a new best practice teaching package. The teachers who are handpicked to work in the initiative are selected based on the academic results they have achieved and on their proven track record in lifting student academic achievement at their schools.

The team has proven invaluable during the pandemic, developing on-demand professional learning materials and supporting teachers with remote learning techniques and resources. The teachers in the program continue to teach part-time, ensuring their students keep learning from the best while enabling them to deliver professional development across the State, meeting the needs of the workforce. Since March 2020 the Best in Class teaching team has supported HSC students in five core disciplines: mathematics, English, biology, visual arts, and personal development, health and physical education. In addition, the very well-known teacher Eddie Woo has been leading a group of mathematics specialists to build the capacity of teachers in the most effective practices through the high school years.

The Best in Class team is now expanding to support even more teachers, with the focus being on five core disciplines: curriculum delivery, HSC, maths growth, writing and school community partnerships. The curriculum stream will support public school teachers to effectively plan, teach and assess general capabilities so that students are prepared to thrive. The new writing stream will deliver tailored support for schools to better develop the writing skills of students so that they can demonstrate deep content knowledge across a range of disciplines, which we all know is very important. The Best in Class initiative complements a wide range of approaches currently

being implemented to deepen teaching practice, focus on equitable academic achievement and lift outcomes for all students.

The teams and those additional streams will continue to develop and deliver best teaching practices to teachers across the State as we continue our focus on lifting student performance statewide. I look forward to seeing this initiative continue to grow. I am excited to see how the teachers I have met so far who have been part of the program are so passionate about it and to see personally and professionally what it is doing for development of teachers across New South Wales. We know that this is a program that will work and it is really exciting to see it grow. *[Time expired.]*

#### ANIMAL WELFARE

**The Hon. EMMA HURST (12:53:57):** My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. The Government funds only 6 per cent of RSPCA NSW inspectorate costs of \$6.8 million per year. That is the lowest government funding percentage of any State and Territory in Australia. Why is the Government not properly funding RSPCA NSW to enforce criminal animal cruelty laws?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:54:30):** I thank the honourable member for her question. The New South Wales Government is entirely committed to delivering the highest animal welfare outcomes possible, with a track record of prioritising animal welfare outcomes for companion animals, animals in primary production and animals in all other walks of life. I am pleased to say that we stand shoulder to shoulder with the community to meet their expectations. Our record to date speaks for itself, beginning with our establishment in 2015 of a Joint Select Committee on Companion Animals Breeding Practices in New South Wales. We called the inquiry to address, in particular, the issue of puppy factories. The committee released its final report in August 2015, which provided a comprehensive analysis of the complex issues concerning the welfare of companion animals.

In 2016 we published our response to that report, supporting many of the findings and following it up in 2018 with the introduction of a bill making amendments to the Prevention of Cruelty to Animals Act 1979. The amendments introduced requirements to enable the tracking of puppies from breeders through to owners. That change was supported with the launch of an improved NSW Pet Registry, which we continue to enhance, integrated with Service NSW payment channels. The work was part of a three-year Animal Welfare Action Plan we released in 2018, which will modernise legislation to ensure an outcome-focused animal welfare system to reflect evolving science and community expectations.

However, we know that we are not undertaking this work alone. We work in partnership with the community and agencies, including the NSW Police Force, and organisations including the Animal Welfare League NSW and the Royal Society for the Prevention of Cruelty to Animals, NSW. We support those agencies in a variety of ways, including with regular funding. We provided also more than \$1 million in funding to RSPCA NSW in 2018. In addition, we regularly provide further grant funding for education and capital works, including \$2 million to RSPCA NSW for an education centre at its south-west Sydney Yagoona animal welfare shelter and the delivery of education programs to promote responsible pet ownership. That commitment took the New South Wales Government's support for RSPCA NSW to more than \$19 million since 2011.

Those on this side of the House support animal welfare enforcement agencies in other ways as well. In January 2019 we extended the Crown land lease for the RSPCA NSW Yagoona site for another 20 years to 2056, providing long-term certainty, which is what it needed and what it deserved. Rent for the site was also set at \$481 a year, helping RSPCA NSW to save \$7.4 million over the next 40 years. The Government's credentials on animal welfare outcomes are very strong indeed, as is our ongoing commitment to the issue, and we will continue to support our enforcement agencies as we have for many years with great success. I commend the RSPCA for the incredible work that it does. It has a massive volunteer base of individuals who care very deeply about the welfare of animals in this State. I think everyone in this Chamber would express their gratitude to the RSPCA.

#### KEYBOARDING SKILLS

**The Hon. ANTHONY D'ADAM (12:57:50):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the Minister's answers yesterday about support for teachers and students in relation to keyboarding, what is the total budget specifically allocated for professional development for teachers to teach keyboarding?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:58:20):** I thank the member for his question, obviously building on a few questions that were asked yesterday in relation to support for teachers in schools teaching keyboarding and, specifically, in relation to NAPLAN. I have got some

advice that the member would be interested in. In 2020 the New South Wales Department of Education provided \$71 million to schools for professional development. I point out that this does not include other school funding that may also be spent on professional development, including equity funding, beginning-teacher funding or the funds that are spent by other sectors—obviously the non-government schools.

**The Hon. Anthony D'Adam:** Point of order: The Minister is not being directly relevant. The question was very specific. It related specifically to the allocation of professional development for keyboarding.

**The PRESIDENT:** The question asked was: Given the Minister's answers yesterday on support for teachers in relation to keyboarding, what is the total budget specifically allocated for professional development for teachers in keyboarding? The Minister was outlining what the budget allocation is, but was also indicating that is not the only budget allocation. The Minister was setting up the foundation, but I remind her to be directly relevant to the question.

**The Hon. SARAH MITCHELL:** The total education department funding to schools for professional development in 2020 is \$71 million. Teachers may undertake professional learning in a broad range of areas and that can include for keyboarding and computer skills.

**The Hon. DON HARWIN:** If honourable members have further questions I suggest they place them on notice.

### REGIONAL CULTURAL FUND

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:00:33):** I wish to add to my earlier response to the Hon. Walt Secord. I approved the grant to the Batlow Literary Institute before I met with it. I told the institute about the grant during the meeting. The group that handled the application to the Regional Cultural Fund on behalf of the literary institute was Snowy River Shire Council. That is relevant to what the honourable member was implying in his question. Just to assure the honourable member that this was a high-quality application for much-needed facilities, the money was provided for new stage lighting and sound equipment. The facility is being used for many things, but it was used as a bushfire recovery centre during the 2019-2020 Batlow bushfires. It really is the centre of Batlow and was the very first project after I had made all the approvals with the Deputy Premier. It was the first project I visited to announce the approval of the grant. I am proud of that. I visited Lockhart later that day to tell the Greens Gunyah Museum about its grant—another great project.

#### *Supplementary Questions for Written Answers*

### TEACHER PROFESSIONAL DEVELOPMENT

**The Hon. WALT SECORD (13:02:55):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Would the Minister elucidate her answer in relation to the recruitment of 16 additional teachers to the Best in Class program, bringing the total to 66? How much does this training cost per teacher and how many teachers will be trained by this program by the end of 2023?

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

### TAKE NOTE OF ANSWERS TO QUESTIONS

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

That the House take note of answers to questions.

### SCHOOL COUNSELLING SERVICE

**The Hon. MARK BANASIAK (13:03:49):** I take note of answers given by the Minister for Education and Early Childhood Learning to my questions on school counselling and also the Best in Class initiative. The policy intention was clear. It was meant to be a full-time counsellor and a Student Support Officer [SSO] in every school. This \$88 million will not deliver that. The base rate for a school counsellor is \$105,000 and the base rate for an SSO is \$53,000. We have more than 3,100 schools in this State. Most schools do not currently have an SSO with mental health training and most schools do not have a full-time counsellor. Many schools share a counsellor between a high school and a feeder primary school.

The commitment does not address the natural attrition of school counsellors and it does not address the root cause of the increase of mental health issues in our kids, which is this Government's failure to address policy areas like health care, unemployment, housing and juvenile justice. The Government is kidding itself if it thinks that \$28,000 per school will address the mental health issue. It is putting a bandaid on an arterial bleed and walking away from the patient, saying it has done its job. The Minister ignored the part of my question where I asked whether the fund would be recurrent.

What does that say to principals thinking about their budgets for the next two or three years? They are thinking they will have to juggle their staffing allocation because they are going to have to foot the bill for these counselling positions that the Government will abandon after the initial employment. The Minister can say she is proud of her party's position, but like most policies coming from The Nationals currently, this is half baked and underdone. Is it any wonder they are toppling off the wall like that famous childhood song, *Ten Green Bottles*.

Turning to the Best in Class initiative, we have 66 teachers in more than 3,100 schools. That is totally inadequate. Yesterday I spoke about the Highly Accomplished and Lead Teacher project. What is the Government saying to those highly accomplished and lead teachers? The Government is undermining the fact they have been anointed in these positions and we are now going to give someone else the job. This department goes from one bureaucratic brain fart to the next without any long-term commitment to any policy direction. It is no wonder that results in New South Wales are declining.

## DEPARTMENT OF EDUCATION

### REGIONAL CULTURAL FUND

#### THE NATIONALS

**The Hon. WALT SECORD (13:06:19):** I take note of answers given by the Minister for Education and Early Childhood Learning and the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. It was extraordinary that the education Minister was unable to answer a question in this Chamber about a possible restructure and cuts to education positions in her department. The Minister used the word "operation" and I remember a previous Leader of the Government, Michael Gallacher, who was the police Minister, always referring to things as "operational matters".

This is about the education of children and it is about teachers. It is extraordinary that the education Minister would have to take on notice a question like that. Members waited with bated breath, expecting that an answer would come at supplementary answers, but it did not. So members are still waiting to know if there are going to be cuts to the education department. If her inability to answer tells members more than we realise, I suggest the last thing we need are cuts to education because education is a great leveller in an unfair society. The last thing the Government should do during the COVID-19 pandemic or any economic downturn is cut education. Overseas during the global financial crisis—particularly countries like Ireland, Italy and Spain—many people who lost their jobs took the opportunity to pursue further study. So the Minister's answer is disappointing.

Regarding arts grants, it is extraordinary that the Minister continues to defend the Regional Cultural Fund. The Minister and the Deputy Premier have had their greasy fingers all over that fund. It is extraordinary that they approved four projects well after the deadline. Deadlines exist for reasons, but four major projects were approved having failed to meet the deadline. That is why we asked questions about the Batlow project. The Batlow project was pushed by the disgraced member for Wagga Wagga, who is now before the Independent Commission Against Corruption.

Finally, it was disappointing that the Minister for Education and Early Childhood Learning had to resort to a point of order. Yesterday the Minister for Mental Health, Regional Youth and Women answered a question that members thought may have been out of order, but because she jumped to answer it, it was answered. So it is extraordinary that the Minister for Education and Early Childhood Learning would take the opportunity to cover up the attacks on that young woman from the National Party, who was also the candidate for Cessnock. She is the leader of the Young Nationals and the leader of the Women's Council. The allegation is that the Deputy Premier's electorate office launched a vile attack on her because she dared to stand up to him. *[Time expired.]*

**The Hon. Shayne Mallard:** Point of order—

**The PRESIDENT:** Before you take the point of order, I indicate to members that I propose to think about and reserve my ruling in relation to those last comments made by the Hon. Walt Secord. I am concerned that if a question is ruled out of order, to then have a take-note debate on the topic of that question or a Minister not answering it would go well outside the parameters of what the take-note debate is. I did not stop the member because I was not 100 per cent certain, but I will come back and rule on that. I will be speaking to the Clerk about that.

## SMALL BUSINESS MONTH

**The Hon. SAM FARRAWAY (13:10:12):** I take note of the answer given to my question today by the Minister for Finance and Small Business, the Hon. Damien Tudehope, regarding Small Business Month. It is absolutely inspiring to note the enthusiasm with which small business and the community are embracing and coming together to charge up the economic recovery. I am very impressed with the answer given today about the range of events that are being supported by the New South Wales Government's grants. The Robertson Business

Chamber is hosting Get Savvy on Social! featuring Si Harris, founder of the Regional Entrepreneur Academy, along with two local small business owners from the Pecora Dairy and Moonacres Farm and Kitchen. Those businesses have demonstrated innovation, creativity and success with their social media activities. This event will give practical advice on understanding social media strategies and how to use them to grow a business.

Condobolin Chamber of Commerce is hosting a variety of workshops that will help local businesses to research, plan and future-proof their businesses in the region and build their brands on social media platforms. Cabonne Council in my home patch of the Central West is having a working lunch that will help locals explore the exporting industry and give them the information they need to look into the local markets, bringing together a range of producers with representatives from the Export Council of Australia, TradeStart and Canberra Airport. Bogan Shire Council is providing a unique opportunity for small businesses in the broader Bogan Shire to visit the newly renovated and expanded Nyngan Museum and to see what fabulous tourism opportunities there are across the region. I visited that work in progress only two weeks ago. It will certainly be a fantastic attraction in Nyngan and the Bogan Shire.

All of these events will obviously provide locals with the opportunity to receive information from industry in New South Wales on small business opportunities and assistance that are available to them. I encourage members to visit the Small Business Month website and check out the events in their local area and to encourage local small businesses to participate. As the Minister said, let us all help these small businesses get the confidence to reboot during the recovery period.

Finally, I take note of the same answer given by Minister Tudehope. It was fantastic to see that 120 local chambers of commerce and 90 councils from across New South Wales have taken up the \$2,000 grant offered by the New South Wales Government to run and sponsor COVID-safe events. As the Minister highlighted in his answer, they are in addition to the 210 events supported by the New South Wales Government's grants. There are hundreds of other events offered by the 182 other partners through this grants program. To me, this is the Minister delivering for New South Wales small businesses in an effective way through these very difficult times.

#### DEPARTMENT OF EDUCATION

**The Hon. MARK LATHAM (13:13:18):** I take note of the first answer that was given by the education Minister today about the restructure in her own department, which she passed off in the style of a police Minister as an operational matter. According to the mail I have received, the truth is that every one of the senior staff were asked to reapply for their own position. In that process, two of the staff were sacked. They were in fact the two staff who had been calling out the failed Language, Learning and Literacy [L3] program for a number of years.

It seems quite remarkable that no-one was listening to a Centre for Education Statistics and Evaluation expert and a director of literacy who were opposed to L3, this failed literacy program. After the Government finally got rid of the flop program, they lost their jobs. If we are going to reward evidence, quality and the people who know what they are doing in the Department of Education, I cannot understand why these officers—having reapplied for their own jobs and been consistently right about L3—had to then be part of the putsch. The Government knew about this failure for many, many years and these officers lost their jobs.

You would have to ask: Why, in the administration of education in New South Wales, was the Minister unable to report that to the House? Furthermore, you would have to ask why others who have failed hopelessly in the discharge of their duties have kept their positions inside the education establishment. Look at the NSW Education Standards Authority [NESA] and its failure on teacher accreditation: not just the highly accomplished and leading teachers but the fact that for 12 months NESA did not accredit any proficient new teachers, supposedly because its computer was down. Who is responsible for that? They kept their job.

What about those inside NESA who accredited 42,000 professional development courses without knowing what is in them? Apparently they kept their jobs. Inside the department the person who distributed the penis tucking guides and the other gender fluidity material, apparently without permission, has kept their job. They put out material without permission that runs against the proper government philosophy of banning Safe Schools and getting back to basics. They kept their job, but the experts who called out the failed literacy program are out the door.

What about the head of the department, with his failed growth mindset program? An expensive consultancy fee was paid to McKinsey to come up with an idea, growth mindset, which cannot be measured and cannot be taught in our schools. What about those responsible for the findings of the Auditor-General's report on the massive waste of the Gonski equity money? They have kept their job. I would call on the Minister to report back to the House about those in the education system who have failed time after time—from right at the top with Mark Scott down—and who have kept their jobs and why these other officers who are right about literacy have lost theirs. The truth is that if people had listened to these officers on literacy, we would today have better reading teaching

for the benefit of young people in New South Wales. The Minister needs to give a full report and show that she knows what is going on in her own department.

### STUDENT LITERACY

**The Hon. COURTNEY HOUSSOS (13:16:42):** I take note of the answer to my question today on how the Government will ensure that the discredited Language, Learning and Literacy [L3] program will no longer be taught in New South Wales schools. It was no real surprise that there was no clear answer from the Government. That is because it did not know that the L3 program was being taught at three in five schools until the Centre for Education Statistics and Evaluation [CESE] finally did a review of the program and then slipped it onto its website earlier this month. Teachers, principals and academics have raised concerns about this program for years. They have sought meetings and spoken with successive Liberal and National Party education Ministers. The Minister can say that she is committed to evidence-based teaching but there are two parts to that: finding out what works and then making sure that our schools are teaching it.

In March 2014, CESE issued a review with the fairly self-explanatory title *What works best*. Now, six years on, we find out that a program that does not conform to that research is being taught at three in five schools. The majority of our schools are being taught a program that does not work and does not conform to best practice. Why is this flawed system being taught in so many schools? As the Minister outlined today, the review found out that our hardworking teachers—who go to school and turn up and do their very best every single day—thought it was endorsed by the department. What is worse, they felt that they did not have any other options. I asked today what other programs are being evaluated and the Minister could not answer that either. We know what works; for six years the department's independent researchers have told us and told the community. If this Government cannot ensure what is being taught to our teachers and in our schools, is it any wonder that it has presided over a decade of decline across our New South Wales school system?

### COVID-19 AND MENTAL HEALTH

**The Hon. LOU AMATO (13:18:49):** I take note of answers given by the Hon. Bronnie Taylor, Minister for Mental Health, Regional Youth and Women. The people of New South Wales have experienced drought, bushfires and the COVID-19 pandemic—a trifecta—which have all been challenging for our mental health. I can certainly testify to the challenges still facing the community in my region. While New South Wales has an abundance of mental health services, many of those medical services are not what everyone wants in clinical support. Each one of us knows people in our communities who are feeling isolated, fearful and concerned about what is happening in their lives. All people really want is to have a friendly conversation to help them feel better.

The BEING Supported warm line is a fantastic initiative, both for people with long-term mental illness and people who are experiencing symptoms for the first time. It is for people who want to talk to someone who understands what they are going through. The stigma of mental illness can make people reluctant to ask for help. When you call the warm line, you can talk to someone who knows what it feels like to confront stigma because they have been through it too. I commend the New South Wales Government for funding the BEING Supported warm line. I also thank the Hon. Bronnie Taylor for the outstanding work she does as mental health Minister. I will be sharing the details of the warm line with people in my community who might like to access this service, and I encourage others to do so as well. The phone line is open seven days a week from 10.00 a.m. to 4.00 p.m. and 6.00 p.m. to 10.00 p.m. The number is 1800 151 151.

### ANIMAL WELFARE

**The Hon. EMMA HURST (13:21:08):** I take note of the answer given by the mental health Minister in regard to the underfunding of the RSPCA. As mentioned in my question, the New South Wales Government provides 6 per cent of the total budget for the RSPCA, which is the lowest of any State or Territory in Australia. That means that in South Australia the Government provides 40 per cent of the costs for the RSPCA. In the Australian Capital Territory the Government covers 80 per cent of the costs and in Tasmania the Government covers 94 per cent of the costs. In New South Wales the Government provides only 6 per cent of the costs. The Protection of Cruelty to Animals Act 1979 is the only legislation in this State that is run by a private charity which needs fundraising efforts in order to uphold the law.

Our protection system is set up to fail animals. We cannot blame the RSPCA for the animals that are falling through the cracks and the animals that are not protected by this system when the RSPCA is not funded and is expected to uphold the law through fundraising efforts. In 2018-19 the RSPCA received over 16,500 complaints but was able to initiate only 77 prosecutions. Why? Because they are not properly funded. The Minister mentioned gratitude to the RSPCA. What does 6 per cent of funding mean for the inspectors that the Government is so grateful for? It does not even cover staff costs. The grants that were mentioned by the Minister are not related to

the inspectorate and upholding the law. The wage for an inspector is roughly \$60,000. They have one of the most dangerous jobs.

In the inquiry into the Protection of Cruelty to Animals Act we heard people from the Department of Primary Industries say they will not go out when they expect they are walking into a domestic violence situation unless there are at least two people attending. The RSPCA and the Animal Welfare League said they do not have such a luxury. They send only one inspector unless they are clearly aware they are walking into a domestic violence situation. It is a known fact that in most complaints that involve domestic violence, the first callout goes to the RSPCA because in domestic violence situations there is also often animal abuse. The RSPCA has less than 50 inspectors to cover a State that is over 809,000 square kilometres. The number of animals the RSPCA is expected to oversee is approximately 70 million land animals, plus companion animals, zoo animals, circus animals and dolphinarium animals beyond the animals used in agriculture. RSPCA officers are overworked, underpaid, not supported and desperately fundraising simply to uphold New South Wales laws, and it is not working.

#### **NAPLAN ONLINE**

#### **STUDENT LITERACY**

#### **TEACHER PROFESSIONAL DEVELOPMENT**

**The Hon. ANTHONY D'ADAM (13:24:11):** I take note of the answers provided by the Minister for Education and Early Childhood Learning today. In particular I take note of the answer—or perhaps lack of an answer—that was provided to the question I asked about professional learning. The Minister had been given two forewarnings by my colleague the Hon. Walt Secord the day before and I was surprised that the Minister did not come into the Chamber armed with a sufficient answer. But she was not able to give an answer about how much money is allocated for professional learning for keyboarding skills. Clearly a gap has been identified in the sector. That is fair enough. The Minister cannot answer the question because the department does not collect the data. It does not know the answer.

I also speak about the answer given in response to the Language, Learning and Literacy [L3] program, which highlights a similar deficiency that underpins some of the problems that can be seen in the department. This system has been operating in the department for a long time. Serious doubts have been raised about it and the system persists. The department tells the staff that this program does not work and yet it takes them years to get the system removed from our schools. That highlights the core of the problem, which is that the Minister and the department have no line of sight to what is going on in schools. At the root cause of this is the Local Schools, Local Decisions policy. The Minister and the department have delegated all this authority to schools and as a consequence they do not know what is going on in schools. They cannot ascertain what is happening in our schools. On that basis, how can a system as complex as our education system possibly be managed?

In respect of the Best in Class proposal there are a lot of good news media stories that are fed to the Minister that she brings to the House to tell us about what is going on. But this is a superficial measure that does not do anything to address the profound professional development needs of teachers in our system. The Minister needs to stop swallowing the propaganda that is being fed to her by the department and start asking some serious questions.

#### **EARLY CHILDHOOD EDUCATORS**

#### **THE NATIONALS**

**The Hon. WES FANG (13:27:02):** I did not want to be here today. While I was listening to the fantastic answer from my good friend and colleague the Minister for Education and Early Childhood Learning, the Hon. Sarah Mitchell, about the early childhood education scholarships I thought I would take note of the fantastic work she is doing in that space. But I find myself having to address another issue that was raised. I take note of what the Minister said about the scholarship programs and how the Government is delivering such high-quality education in the early childhood space through its support of those who teach our children. The New South Wales Government has awarded 337 scholarships to early childhood teachers since 2013. That shows the commitment of the New South Wales Government in this space. I had hoped to take note of more of that answer because it was filled with quality information about how well the Government is doing in that space. Mr President, you said you will deliver a ruling later, but since the Hon. Walt Secord has raised the issue—

**The PRESIDENT:** Do not go there.

**The Hon. WES FANG:** I need to correct something that the Hon. Walt Secord said during the take-note debate. Once during the asking of the question and once during the debate, he said it was Mr Barilaro's electoral office staff who were involved in sending the email to Ms Price-Purnell. That is not correct. It was incorrectly

reported in *The Sydney Morning Herald* and has since been corrected. The Hon. Walt Secord has not done his research in this matter and has now impugned the good reputation of the Deputy Premier's electoral office staff.

**The Hon. Walt Secord:** You cannot impugn his reputation. It is impossible to impugn his reputation.

**The Hon. Anthony D'Adam:** Point of order: This is a take-note debate on questions answered. As I understand it the question was ruled out of order and therefore is not an appropriate subject to be canvassed in this debate.

**The PRESIDENT:** I indicate the following: I had not ruled yet and I allowed the Hon. Walt Secord to continue. Until I have formally ruled, it is appropriate for the Hon. Wes Fang to respond. What is not appropriate is for the Hon. Walt Secord and the Hon. Wes Fang to start screaming at each other from across the table. The member's time has expired.

#### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. CATHERINE CUSACK (13:30:15):** I thank all members for participating in this debate. It has been a very wide-ranging question time and take-note debate this afternoon. I begin by thanking our colleague the Minister for Finance and Small Business, who spoke to us today about NSW Small Business Month. It is absolutely inspiring to note the enthusiasm with which the small business community is embracing the opportunity to come together and charge up for economic recovery. I am impressed by the range of events supported by the New South Wales grants. The Robertson Business Chamber is hosting Get Savvy on Social! featuring Si Harris, founder of the Regional Entrepreneur Academy, along with two local small business owners from Pecora Dairy and Moonacres Farm and Kitchen, who have demonstrated innovation, creativity and success with their social media activities.

There are various other events that are being supported. I notice that Halloween is coming to New South Wales at the end of October. Some of us wondered if Halloween had come early this year, but we know that there will be events that will celebrate it on its correct date, which is 31 October. I thank the Hon. Cate Faehrmann for her question in relation to the Shenhua mine Aboriginal heritage issues. My colleague the Hon. Don Harwin has been a magnificent advocate, and very diligent and effective in understanding the legislative issues and ensuring that those issues are put forward in that complex area of legislation. I am looking forward to him coming back to us with further information on that. I note what has occurred with the Rio Tinto incident in Western Australia, which was raised earlier. It was completely unacceptable and out of step with Australian values. It has seen Rio Tinto top executives first lose their bonuses and then lose their jobs. Everybody needs to understand that these are very serious matters.

In relation to the RSPCA, I was a junior member of the RSPCA for many years. In the run-up to the 2011 election I met with Steve Coleman and put together a policy of New South Wales Opposition support for the RSPCA, which was subsequently announced by the Hon. Barry O'Farrell. It was a \$7.5 million grant to kickstart the complete redevelopment of Yagoona, a project they had given up hope on. Steve Coleman and the RSPCA said at the time:

Our prayers have been answered.

Jodhi Meares said:

... everyone is overwhelmed.

The idea that the Government has not supported the RSPCA—in fact, it has saved the RSPCA. The Hon. Walt Secord has raised a smear in relation to— [*Time expired.*]

**The Hon. Walt Secord:** Time!

**The PRESIDENT:** I get to decide when time is up.

**The Hon. Walt Secord:** I had a bit of self-interest.

**The PRESIDENT:** Yes, I know you did. You are also on one call to order; you are very lucky. The question is that the motion be agreed to.

**Motion agreed to.**

#### *Written Answers to Supplementary Questions*

#### TEACHER SALARIES

In reply to **Mr DAVID SHOEBRIDGE** (22 September 2020).



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

Rates of pay for New South Wales public school teachers are set out in the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award 2020*, negotiated between the Department of Education and the NSW Teachers Federation. The award came into effect on 1 January 2020 and will expire on 31 December 2021. The award provides teachers and related classifications with salary increases above the inflation rate as follows:

- 2.5 per cent from the first pay period after 1 January 2020 (already paid); and
- 2.28 per cent from the first pay period after 1 January 2021.

The Commonwealth superannuation contribution guarantee increase of 0.5 per cent will apply - effective from 1 July 2021 and this is reflected in the quantum of the salary increase payable in 2021.

Negotiations for a replacement teachers award in 2022 will be conducted in accordance with the New South Wales Government Wages Policy.

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

#### *Private Members' Statements*

### **ABORIGINAL CULTURAL HERITAGE**

**Ms CATE FAEHRMANN (15:01:38):** Earlier today I asked the Aboriginal affairs Minister, the Hon. Don Harwin, whether a plan by Shenhua Watermark to dig up and move sacred grinding grooves meets best-practice standards for Indigenous cultural heritage management. He took the question on notice. I put on record information to assist him in responding to my question. Those massive grinding grooves are located on the Liverpool Plains, smack bang in the middle of the site of the proposed Shenhua Watermark coalmine. Shenhua's Heritage Management Plan for the site acknowledges that all identified Aboriginal archaeological sites within the project boundary have been identified by the 135 registered Aboriginal parties "as being culturally significant".

Those sites provide a tangible link between past and present populations, and the parties have identified the need for them to be cared for appropriately. The heritage plan also acknowledges that the registered Aboriginal parties [RAPs] considered the grinding grooves complexes, being the grinding groove sites and their connectivity to the surrounding land and other archaeological sites, "to be of particular importance". The plan continues:

During fieldwork and group meetings, the RAPs placed emphasis on the physical evidence of their ancestors within the Project Boundary, especially on grinding grooves ...

Even the Federal environment Minister's report on the sites notes:

... even if the grinding grooves are returned to the rehabilitated mine site in the future, their cultural values and association with the surrounding cultural landscape will be lost.

Gomeri Traditional Custodians spokesperson Dolly Talbot said, "There's no way they're going to remove those grinding grooves and not destroy them. Once you turn around and move them, you take the integrity from the site and destroy it." In 2015, at the then Planning Assessment Commission's hearing into the mine, Gomeri people were in tears as they begged the commission to save their grinding grooves. The mine was approved regardless. Last Monday at the Ministerial Indigenous Heritage Round Table, the combined work of Australia's Indigenous heritage bodies was presented to all State and Territory Ministers responsible for Aboriginal heritage and affairs. Federal Minister Wyatt's statement notes that their vision and best practice standards entitled *Dhawura Ngilan: A Vision for Aboriginal and Torres Strait Islander Heritage in Australia* and *Best Practice Standards for Indigenous Cultural Heritage Management and Legislation* were conveyed as:

... a unifying expression of the expectations of Australia's Indigenous peoples for the protection of their heritage, their custodianship of it, and their desire for it to be recognised and celebrated as deeply important to Australia's heritage and identity ...

The statement also states:

Ministers expressed deep sorrow at the destruction of the nationally significant Indigenous heritage sites at Juukan Gorge in the Pilbara Region of Western Australia and resolved that this incident must be the launching pad for the modernisation of Indigenous heritage protection laws in Australia.

Shenhua said that it cannot redesign the mine to avoid the grinding grooves and remain commercially viable. That is what Rio Tinto said. The next Juukan Gorge destruction is written into Shenhua's Heritage Management Plan. The Minister can and must stop it.

### **BUSHFIRES**

**The Hon. SHAYNE MALLARD (15:04:49):** One of the key lessons from the 2019-20 horrific bushfire season is the importance of instilling the message of preparedness in our communities. Unfortunately while many people are still recovering from last season's catastrophic bushfires, the next bushfire season is already upon us.

The memories are all too familiar so it is more important than ever that New South Wales residents are prepared for the coming season. Each year the NSW Rural Fire Service holds Get Ready Weekend with the aim of helping communities prepare. As many members know, on 19 and 20 September events took place to inform communities of the fire risk and how they can play their part in preparing. As a Blue Mountains resident, I saw the RFS spreading that message in our community.

The top four tips for getting ready for the bushfire season are: first, discuss what to do if a bushfire threatens your home; secondly, prepare your home; thirdly, know the bushfire alert levels; and, fourthly, keep all the bushfire information numbers, websites and the Fires Near Me app handy. I add to that list your neighbours' contact details. My family and I have our bushfire plan ready. As I have mentioned previously in this place, I am a volunteer in a Blue Mountains Community Fire Unit [CFU], which is a team of local residents living in an urban area close to bushland who are supported by Fire and Rescue NSW to enhance their safety and resilience to bushfires. CFU members learn how to prepare themselves, their family and their homes ahead of the bushfire season and also learn how to make informed decisions about whether to leave early or to stay and defend their properties when bushfires threaten.

Earlier this year I had several scares when bushfires rapidly approached my property on three sides. We had decided that we would evacuate our home if the fires came within one kilometre. It was a scary time but I am glad that we were well prepared. Recently we revisited our plan in preparation for the upcoming season. On the weekend we tested our sprinklers and emergency systems. Last season we saw how quickly fires can develop and threaten homes and lives. Now is the time to get ready. People can check how fireproof their plan is on the NSW Rural Fire Service website. The Berejiklian Government has worked closely with the RFS and Resilience NSW to ensure the State is as prepared as it can be for the upcoming bushfire season. That includes the announcement of \$45 million for the RFS to fast-track hazard reduction, employ 100 new paid State mitigation crew members and upgrade the firefighting fleet.

This year's catastrophic bushfires saw the NSW Rural Fire Service volunteer crews go to extraordinary lengths to protect lives, homes and property. I thank Fire and Rescue NSW and the NSW Rural Fire Service and their volunteers for their selfless sacrifices in keeping us safe and protecting our lives and homes. For many people the bushfire season ended months ago but not for the RFS volunteers; they have continued to work tirelessly to prepare for the next season. I echo the Premier's statements of support for those volunteers.

### MINISTERIAL RESPONSIBILITY

**The Hon. ANTHONY D'ADAM (15:07:55):** In this country we are fortunate to have a stable government. We are beneficiaries of a Westminster parliamentary tradition that has evolved over centuries. Although the Commonwealth and the States have adopted written constitutions, many of our constitutional arrangements are embedded in conventions, which are shared understandings about the mechanics of government. Those conventions depend on the participants in the political system to value, cherish and defend them. I speak about two conventions that are under attack: the conventions of individual ministerial responsibility and collective responsibility. The convention of individual ministerial responsibility requires a Minister to take responsibility for the actions of their department. As Sir Ivor Jennings stated in his 1947 treatise *Cabinet Government*:

The Cabinet must leave to each minister a substantial discretion as to what matters he will bring before it. If he makes a mistake, then he must accept personal responsibility. On the other hand, a minister cannot hide behind the error of a subordinate. Within a department, there must be substantial delegation of power. But the most essential characteristic of the Civil Service is the responsibility of the minister for every act of his department. On any reading of that convention, if a Minister or their staff act unlawfully, the Minister must take responsibility and, by convention, resign. To be responsible, the Minister, as S. E. Finer explains, is to be "expected to explain and defend the exercise of their powers and duties in Parliament". An adjunct to that convention is the requirement to give a full and honest account of their actions by way of answering questions from members and not to evade or obstruct that accountability. Westminster tradition formally recognises the importance of the Opposition, which is integral to the system of ministerial accountability. Ministers must honour that principle by providing members with the necessary information to discharge their role in keeping the Government to account. The second convention is that of collective responsibility. On this convention, Jennings, quoting Lord Salisbury in 1878, says:

For all that passes in Cabinet each member of it who does not resign is absolutely and irretrievably responsible, and has no right afterwards to say that he agreed in one case to compromise, while in another he was persuaded by his colleagues ... It is only on the principle that absolute responsibility is undertaken by every member of the Cabinet who, after a decision is arrived at, remains a member of it, that the joint responsibility of Ministers to Parliament can be upheld, and one of the most essential principles of parliamentary responsibility is established.

Under this convention a Minister is duty-bound to accept and defend the collective decisions of the Cabinet. Ministers must either accept those decisions or resign. Both conventions have been flouted by members of the Government in recent months. If the first convention is to hold the Treasurer must resign; if the second convention is to hold the Deputy Premier must resign. The question for the Government is clear: Is it prepared to allow those conventions to be discarded?

## BUSHFIRES AND FORESTRY INDUSTRY

**Mr JUSTIN FIELD (15:10:43):** If members thought that the war of John Barilaro and The Nationals on koalas started and stopped with the koala State environmental planning policy [SEPP] they would be wrong. The unprecedented fires that hit New South Wales last year, particularly on the North Coast and South Coast, burnt large tracts of our State forest—over 60 per cent of the North Coast and over 85 per cent of the South Coast. We know that an agreement was struck between Forestry Corporation and the NSW Environment Protection Authority [EPA] that additional rules needed to be put in place to manage the environmental risks of logging that occurred in bushfire-affected forests.

About 65 of those sites have had rules agreed upon. Despite those agreements, Forestry Corporation went back on its word with the EPA and used previous pre-fire approvals to get into some of the unburnt areas, which were some of the last refuges for koalas. Seven sites were critical koala habitat, including one that was breeding habitat. The EPA warned against it but Forestry Corporation did it anyway. We have now learnt that earlier this month the Department of Regional NSW—John Barilaro's department—wrote to the EPA:

To date Forestry Corporation of NSW (FCNSW) has complied with the EPA's request of 13 December 2019 that forestry operations not occur in forest burnt since August 2019 until we have agreed on additional environmental controls.

It continued:

There has now been substantial recovery post-fire in many coastal State forests

...

For that reason FCNSW intends to return to harvesting in September 2020, under the standard requirements of the CIFOA in fire-affected forests where SSOC have not yet been issued. This transition will occur progressively over the next few months.

Yesterday the EPA responded:

... timber harvesting in areas impacted by fire pose a major environmental risk to the extent that ecologically sustainable forest management (ESFM), as required under the NSW *Forestry Act 2012*, is unlikely to be achievable under a business-as-usual approach.

The EPA is saying that if John Barilaro's department goes ahead, Forestry Corporation will be breaking the laws in this State. It did this on the basis of specialist advice it received that showed that former populations surviving in fire refuges in State forests are at risk of elimination by timber harvesting under the normal arrangements, which could prevent recovery and cause catastrophic population decline in species such as the koala. It is unfathomable after the fires that John Barilaro and Forestry Corporation want to return to pre-fire rules and log both unburnt and burnt forests in the State. When will the war on koalas by John Barilaro and The Nationals end?

## MANUFACTURING INDUSTRY

**The Hon. LOU AMATO (15:13:40):** The silver lining to all the heartache of the COVID-19 pandemic is that we have at least learnt our vulnerability at the loss of our manufacturing industries. Our reliance on imported manufactured goods has become a growing concern for all Australians. However, the news is not all bad. At least we now know the importance of self-sufficiency. We can thank COVID-19 for the wake-up call. There has been a shift in our thinking as we navigate through the pandemic. Many are looking at labels hoping to see the words "Australian made". Retail outlets are seeking to procure more Australian made items and are advertising Australian produced items in their stores. Supermarkets are placing Australian made items in more prominent locations on their shelves. All of this has ignited a spark and the hope that our manufacturing industry may rise again. The Advanced Manufacturing Growth Centre [AMGC] is dedicated to supporting Australian manufacturing. Managing Director Dr Jens Goennemann said:

Australia remains very much a manufacturing nation, reliant on global trade. We must take decisive action to reduce our dependence on the export of primary raw materials and transition from being a lucky country to a smart country, by adding value and advancing our onshore capabilities.

The AMGC has been proactive in response to the COVID-19 pandemic, creating manufacturing networks to bring Australian manufacturers together by promoting skill sharing and locally manufactured supply lines. That new and innovative approach has seen Campbelltown City Council, Southern Strength Agile Manufacturing Network and the Advanced Manufacturing Growth Centre team up and form an entirely new manufacturer networking group in south-west Sydney. It will provide local manufacturing companies with the opportunity to engage in skill sharing, increased Australian manufactured content in finished goods and create market access. The loss of Australian manufacturing is now all too apparent. It will not be easy for Australia to rebuild its lost manufacturing strength because established foreign manufacturing entities have a considerable comparative advantage.

In some cases the gap may be too large for Australian manufacturers to bridge in the immediate future; however, if we are committed to success we can rebuild from the ashes over time and once again see the words "made in Australia" stamped on high-end technology goods. Australian manufacturers will need considerable support to compete with large, highly mechanised international producers. The work of the AMGC in facilitating

local manufacturing networks is paramount if we are to succeed in reversing the loss of our manufacturing industry. As Australians we can all be part of an Australian manufacturing revival. Wherever possible we can insist on purchasing Australian made goods. In their first lecture an economics student learns that supply equals demand. If we are all firmly united in our demand for Australian made products the market will do what it always has: fulfil that demand with adequate supply.

### CANNABIS DECRIMINALISATION

**The Hon. ROSE JACKSON (15:16:28):** Canada, Uruguay, Spain, the Netherlands, South Africa, Mexico, Belize, Costa Rica, Jamaica, Argentina, Colombia, Ecuador, Peru, Belgium, Portugal, Switzerland, the Czech Republic, Estonia, Russia, Alaska, California, Colorado, Illinois, Maine, Massachusetts, Michigan, Nevada, Oregon, Vermont, Washington, Washington DC and the Australian Capital Territory are geographically, politically and ethnically diverse jurisdictions from across the globe that have one thing in common: they have decriminalised or legalised personal use of cannabis.

**The Hon. Scott Farlow:** Smoking pot.

**The Hon. ROSE JACKSON:** Well done, the Hon. Scott Farlow. After November this year, it may be the case that the entire United States of America joins the list after the announcement this week that, if elected, President Joe Biden would move to decriminalise cannabis and expunge previous convictions for personal use of cannabis. Decriminalising cannabis is not a radical proposition. It is New South Wales that is lagging in not even conducting a public conversation about this issue. It is economically sensible—the unbelievable waste of police and corrections resources on administering the legal regime around cannabis is immense. Despite the fact that it is illegal, many people consume cannabis, lining the pockets of old mate drug dealer down the road and propping up organised crime in New South Wales.

The COVID crisis has shown us that following expert health advice when managing a health crisis is good policy. Expert medical advice has something to say about how we manage drug use as well: The overwhelming consensus of health experts is that making drugs like cannabis illegal, and the primary response to drug use a legal one, is completely useless and counterproductive and does not promote good health outcomes. Because it is illegal cannabis use is completely unregulated, despite the fact that it is no more addictive or harmful than alcohol or tobacco—and may in fact be less harmful. Those substances are legal and carry significant health regulations, including age limits for use, consumption limits, taxation and levies, advertising to highlight risks—such as use during pregnancy—none of which apply to cannabis use.

Decriminalising cannabis is also socially significant. We all know that certain groups, already pretty alienated from the politics of this Parliament, like young people and Indigenous people, are disproportionately impacted by criminalising cannabis use. The facts are clear. If any of us were to be found walking down Macquarie Street with a small amount of cannabis, the almost certain outcome would be a caution and no further action. If a young Indigenous kid walking in front of us happened to be stopped there is a four times greater chance they would face court action. Look at the economics, the health outcomes, the social outcomes, what the health experts say and what the community expects. There is overwhelming public support for cannabis decriminalisation. Look at our international partners; they are moving and we are lagging. Let us get New South Wales on the right side of history and decriminalise cannabis in this State.

### LIVE ANIMAL EXPORTS

**The Hon. EMMA HURST (15:19:27):** Earlier this month 42 crew members and nearly 6,000 cows lost their lives when the live export ship *Gulf Livestock 1* capsized in the East China Sea. It is impossible to imagine the fear that both the crew—which included an Australian vet—and the cows would have felt when they were caught in a typhoon in the middle of the ocean, trapped aboard a sinking ship. The search for survivors has been called off. This horrifying event is not the first live export shipping catastrophe in recent years, nor will it be the last. Live export is a brutal and high-risk trade that puts the lives of both humans and animals in serious danger and has been defined by a series of disasters. Nearly every year we hear of a live export shipping tragedy. Over 13,000 sheep died when the *Queen Hind* capsized at port, 3,000 sheep burnt to death off the coast of Somalia and over 28,000 animals and 44 crew members died when a ship sank off the coast of Lebanon.

Ships capsizing, sinking and colliding, along with fires, mechanical failures and rough weather are to blame for the deaths of animals and crew members on live export ships. The most recent incident makes it abundantly clear that the live export trade is not only cruel but also dangerous and unnecessary. Without action to end the industry, those tragedies will continue to occur. The New Zealand Government has suspended all live exports in the wake of this horrific incident. I urge the Australian Government to do the same. For too long humans and animals have suffered the ultimate consequences of the high-risk live export industry, which will stop at nothing

in its pursuit of profit. If this tragedy tells us anything, it is that it is time to end the cruel live export trade for good.

### REGIONAL NEW SOUTH WALES

**The Hon. SAM FARRAWAY (15:21:16):** I encourage everyone to support regional businesses and communities by visiting regional New South Wales. Before the last sitting week I hit the road with my National Party colleague from the other place Dugald Saunders, the member for Dubbo. We visited communities off the beaten track to explore what they had to offer and to talk with community members about what was needed to recover during this tough time. By taking the time to talk with small business owners and locals on the street, we gathered a lot of information on what we can do to achieve great outcomes for those communities. We also got to see what those communities had to offer us as tourists as we made our way from town to town. I can report to the Chamber that there is much to see and do in the west and north-west of New South Wales.

There is no need to worry about not being able to get on a plane to visit Rotorua, Egypt or Italy; get in the car and visit Lightning Ridge in our State's north-west instead. Lightning Ridge is filled to the brim with local stories, history and opals, if you are willing to do some digging. There is plenty to see and do in Lightning Ridge. There is Amigo's Castle, the opal mines and, of course, the naturally heated Artesian Bore Baths. The locals are always happy to provide advice on how to make your visit uniquely Lightning Ridge. Has COVID-19 ruined your plans to see the northern lights in Canada or the ancient volcanic rock formations in Hawaii? Do not stress, because the Milky Way galaxy can be seen by stargazing from the iconic Siding Spring Observatory. The observatory is located in the Warrumbungle National Park, just outside Coonabarabran, and has the largest optical telescopes in Australia.

During the day you can pop into the Warrumbungle Visitor Centre or talk to one of the local small business owners about where to find the best volcanic rock formations. The town of Armatree is an hour's drive from Coonabarabran and is home to Ash and Libby Walker's Armatree Hotel—the best bush pub in New South Wales. If a regional pub crawl is what you are looking for, I highly recommend travelling through the communities of Gilgandra and Warren on your way to the Nevertire Hotel. Georgia, Tori and Harriet will provide you with good food, a cold drink and an atmosphere that only a great local pub can provide after a long day on the road.

**The Hon. Bronnie Taylor:** It is run by women.

**The Hon. SAM FARRAWAY:** Yes, that is right. They are sisters in business. From Nyngan to Narrabri, Broken Hill to Bathurst, Ballina to Bourke, regional New South Wales has so much to offer.

### RUGBY AUSTRALIA

**The Hon. MARK LATHAM (15:24:28):** Some time ago in this House I urged Australian sporting codes to run their own administration. I said that if they contracted out the best interests of their code and their players, the time would come when the big woke corporations would dump them like a bad habit. Well, hello, look at what has happened today. Qantas has dumped its sponsorship of Rugby Australia, which is left stranded. Qantas got Rugby Australia into the Folau matter, it perpetuated an act of religious discrimination against Folau and it dropped him from the code. That cost many millions of dollars in damages, not to mention the public humiliation of driving the best player out of the code, and now Folau plays rugby league in France. It is important to remember on such a day of disgrace for Qantas just how subservient Rugby Australia was. I will quote from the written evidence of Raelene Castle in the code of conduct hearing. At paragraph 49 she stated:

That evening, I telephoned Ms Vanessa Hudson, chief customer officer at Qantas, knowing that the post—the Folau post on Instagram—

would be very concerning to Qantas.

...

Ms Hudson impressed on me that Qantas wished to see the matter resolved swiftly.

Then at paragraph 57 she states:

Later on 11 April 2019, I called Ms Hudson from Qantas. I updated her on the situation and told her that, confidentially, Rugby AU would be working towards a process to seek to terminate Mr Folau's contract and that Ms Hudson can share that position with Qantas chief executive Mr Alan Joyce. Ms Hudson texted me later that day saying that she had only shared the update with Mr Joyce, and he was appreciative of the transparency and he said that a speedy resolution by Rugby AU was paramount.

Today we saw the speedy exit of Qantas and all its financial support for Rugby Australia. The foolishness of Raelene Castle to contract out to a big company is stark. I urge sporting codes that might have other political agendas, such as the Australian Football League and the National Rugby League [NRL], to run their own codes and not let player contracts be determined by corporate executives; those executives can make a call and rub out

a player, as happened to Jack de Belin from the St George Illawarra Dragons in the NRL. It is very important for the codes to say that they will run their own sport, they are in charge and they are doing so in the best interests of the people who will ultimately and always sustain the codes—the players, the fans and the officials—not the corporate chiefs who come and go. Rugby Australia got rid of Folau and then Castle. Qantas has now gone and one has to fear that rugby will go.

### STUDENT BEHAVIOUR STRATEGY

**The Hon. ANTHONY D'ADAM (15:27:32):** The Government has announced that it intends to implement a new behaviour management policy in schools. The principal aim of the change is to curtail the use of suspensions and keep misbehaving children in classrooms. The Minister argued that this would increase the level of discretion available to principals; whether that comes to pass is an open question. It is useful to look at the issue of discipline in schools from two vantage points: from a near-term perspective it is incumbent on this Parliament to resolve the policy proposal at hand; and from a long-term perspective, it is necessary to address the structural political and economic changes that have produced the current behavioural crisis.

I begin with the matter at hand. Debate on the Government's policy proposal is premised on a dichotomy between the rights of children who misbehave and the rights of their peers and staff members. Given patterns of antisocial behaviour are strongly correlated with disability and socio-economic marginalisation, one side of the debate strongly emphasises the fact that suspending disadvantaged children from school simply compounds their isolation. However, debate from the other end of the spectrum notes that violent and persistent antisocial behaviour disrupts the education of dozens more children. That is also a work health and safety issue for school staff and without doubt relates to the high turnover of teachers in the New South Wales public education system. Research prepared by the New South Wales Parliamentary Library supports the latter view.

Its analysis of the 2018 Programme for International Student Assessment [PISA] results demonstrated a very strong correlation between a positive school climate and academic resilience. The research showed that students from the bottom quartile of the index of economic, social and cultural status were much more likely to perform in the top PISA quartile if there was less noise and disorder in classrooms. The best thing the New South Wales education system can do for socio-economically disadvantaged kids in the country and the suburbs of western Sydney is to provide them with a quiet and stable learning environment. The Government's proposed change to the behavioural policy would make it more difficult to remove children who disrupt learning from the classroom. In the interests of a tiny minority of students, we are sacrificing the ability of dozens of their peers to access high-quality public education.

If public education does not fulfil its role as a great leveller in our society, we must be at pains to ensure it creates an environment that is safe and conducive to learning. Disruptive classrooms harm more of the students in them. These are not the norm in our selective stream or private education systems where they are able to handpick their student cohort and expel those kids who are too hard to handle. Those kids end up in the public system, which is already under-resourced. Those kids need additional support.

There is also the issue of staff working conditions when they are compelled to deal with antisocial students on an ongoing basis. If there is a genuine risk of physical or psychological harm to a teacher, and risk mitigation attempts have proven ineffective, then the principles of workplace health and safety dictate that the risk must be removed. I note that the Teachers Federation opposed the Government's proposal on the basis that they were not consulted in the process of drafting the revised behaviour policy. Nonetheless, we should acknowledge that antisocial students are entitled to a good education too. We should not deny that suspending some children may isolate them from their community and lead to other antisocial behaviours outside of school. We need to find a way to minimise the unintended consequences of disciplinary action without resorting to the ham-fisted approach being taken by the Government.

### *Business of the House*

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

**The Hon. MARK LATHAM (15:31:00):** I move:

That standing and sessional orders be suspended to allow business of the House notice of motion No. 1 relating to an amendment to the 2020 sitting calendar sessional order be called on forthwith.

This was originally listed as item No. 15 under private members' business. It should have been recorded as item No. 1 as it goes to the business and order of the House. I apologise to the House. My youngest, one of the great joys of my life, is having his last day at school today as he heads into the HSC. I was late to the Chamber trying to attend to his interests and have our traditional man hug on a big day. I apologise for being late, but it is an important tradition to us. I urge the House to suspend the standing and sessional orders to allow item No. 1, formerly item No. 15, to be debated forthwith.

**The Hon. Natasha Maclaren-Jones:** Can you stop speaking to the motion?

**The Hon. MARK LATHAM:** I thought the Hon. Natasha Maclaren-Jones might be a little bit sentimental about man hugs. A man cannot be a soft new-age guy anymore. We cannot win. We are either too hard or too soft.

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

**Motion agreed to.**

#### *Motions*

### **PARLIAMENTARY SITTING CALENDAR**

**The Hon. MARK LATHAM (15:32:35):** I seek leave to amend business of the House notice of motion No. 1 for today by inserting instead "November 10, 11, 12, 17, 18, 19, 20" and the words "(reserve day)". This amendment is to make the point that the reserve day on Friday 20 November would be available for the debating of the appropriation bills on the budget. The Government has said that it might also be finalised on the Thursday. I would not be so sanguine given the time that is taken up by debate on the cognate bills that the Treasurer normally sneaks in to provoke the interests of The Greens and the Labor Party on industrial relations matters. It is listed as a reserve day meaning that if the budget debate is not concluded on the Thursday it can spill over, as the House can come back on the Friday.

**Leave granted.**

**The Hon. MARK LATHAM:** Accordingly, I move:

That the resolution setting the sitting calendar for 2020, as amended, be further amended by omitting "November 10, 11, 12, 17, 18, 19" and inserting instead "November 10, 11, 12, 17, 18, 19, 20 (reserve day)".

I briefly point out the purpose of the motion. An extra sitting day was set down some time ago assuming that the budget would be in June, but because of COVID and the economic crisis it has been pushed back to November. There is a mood around the Chamber, even among Government members, that there should be budget speeches. Labor's economic team and even The Greens might have something to say on those issues.

Budget issues are critically important for the Parliament and the Chamber, as we have gone into recession. In the last quarter, aggregate demand in New South Wales contracted by 8.6 per cent. The employment figures were a little bit rosy, but some economists are now saying that this was a figure off the back of fast food deliveries. That has been the employment boost. The Minister even admitted he might have been a little bit over the top with hubris and we now find out from economists that those numbers are artificially inflated in very unusual economic circumstances. Fast food deliveries are mainly for people like me, the Leader of the Government and the Hon. Walt Secord. We are keeping the economy afloat with fast food deliveries and our ample frames.

The economy is not as buoyant as would have been thought by the employment numbers. The serious side is that we are in a recession. Any member in the Chamber who raises good ideas for jobs and the economy in their budget speech instead of destroying them is very important. I worry sometimes when listening to Mr Justin Field and The Greens in the Chamber. Anyone would think that the only things in New South Wales were trees and koalas. They would think there were no people and no unemployed people. The budget debate should be a forum for helping the real humane task of the Chamber: to bring down unemployment and get as many New South Wales people as possible the dignity of work.

**Mr Justin Field:** He doesn't like oxygen.

**The Hon. MARK LATHAM:** Mr Justin Field interjects. If he has put forward a single job creation idea to the Chamber since the recession was announced I will buy him a lottery ticket. All he talks about are trees and koalas. He should be talking about the people who vote and who put us here to do something about the economic crisis and recession we are in. To come to this Chamber with fanciful ideas about destroying forestry jobs, farm jobs and mining jobs, somehow as an act of progressive politics, is a complete and utter delusion. The real progressive thing to do is to dig New South Wales out of recession.

**The Hon. Catherine Cusack:** Point of order: I am reluctant to speak, but the Hon. Mark Latham is reflecting on another member in this place.

**Mr Justin Field:** Yes, but I get credit out of it. It is fine.

**The Hon. MARK LATHAM:** I am reflecting fairly and accurately.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I have to admit, I was reading a text message that was sent by the Government Whip. I did not hear what the member said. The member may proceed.

**The Hon. MARK LATHAM:** There is a mood around the Chamber, led by the likes of the Hon. John Graham, to have a serious economic debate and contribute on job creation ideas. It is important for the Chamber. The Leader of the Government has pointed out that we do not have the power to block supply and, inevitably, those budgets will go through. I would have thought it was in the best interests of the Government to have an extensive debate. It is the first time in nearly 30 years that this Chamber will be debating a State budget with the State in recession, so it is critically important. I commend this extra reserve sitting day to the House.

**The Hon. ADAM SEARLE (15:37:24):** The Opposition supports the proposal before the House for largely similar reasons to those outlined by the Leader of One Nation, the Hon. Mark Latham. It is important that this House at least puts a pin in the reserve day against the possibility that debate on the budget bills, the appropriation bills and the inevitable accompanying legislation does not conclude. This House has been able to conclude the debate within a single day in the past, but sometimes it has not been without some incident where the Government, in an act of underhandedness, has tried to slip something through. This goes back to when Mr Andrew Constance was the Treasurer. The fundamental breach of faith with the House and members on this side of the House has led to this additional scrutiny.

**The Hon. Damien Tudehope:** It will not happen again.

**The Hon. ADAM SEARLE:** I acknowledge that interjection. Nevertheless, because of the extraordinary economic times and the need for a proper debate around job creation, economics and proposals that may or may not be in the budget, there is a strong possibility that we may need extra time. It is sensible, proportionate and prudent that we make provisions for that.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:38:41):** The Government will not be opposing the motion by the Hon. Mark Latham.

**Mr JUSTIN FIELD (15:38:51):** I speak in support of the motion by the Hon. Mark Latham. I have been frustrated in previous years at not having the opportunity to fully digest and debate what is in the Government's budget and to use the opportunity to put forward alternatives. In previous years I have talked about how moving to a wellbeing approach to the budget could be significant in ensuring that we as a Parliament and the Government address meeting the broad needs—not just the economic and social needs and environmental values of people—through where we direct our financial resources.

I assure the Hon. Mark Latham that I have certainly brought those ideas to this place—ideas to transition away from stamp duty and land tax and ideas of reimagining our State forests as recreational reserves to bring economic opportunities into regional economies as the forestry industry inevitably goes the way that it has in other States because of its unsustainability and inherent environmental destruction. I welcome the opportunity to have an extra day to debate those things and to put forward economic ideas that can take the State forward, as opposed to some of the ideas advanced in this place that very much look backwards at those old industries that certainly will not meet the challenges of the coming century.

**The Hon. JOHN GRAHAM (15:40:19):** I thank the member for moving the motion. It is a sensible addition to the work of this Chamber. I recall that when I first came into this place I was quite surprised how little discussion the budget process took in the business of the Chamber. The point has been well made that there could be no more important time in 30 years to have this debate than this year. I hope we use the reserve day to do so. There has been a subtle shift in the weight in the Federation over the course of the last few months; the role of the States is more important. In fact, the economic role of the States has become more important despite the significant fiscal levers that the Commonwealth has. I believe there are some positive ideas advocated by the Government and the Treasurer in this space that we do not always get to fully discuss here. All those things would benefit from some discussion. I never mind contributing to a debate by way of interjection. However, it would be good to be able to flesh out some of those important ideas for the State in the sort of debate that might occur on the day.

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

**Motion agreed to.**

#### *Bills*

### **STRONGER COMMUNITIES LEGISLATION AMENDMENT (COURTS AND CIVIL) BILL 2020**

#### **Messages**

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendment to the bill.



*Motions***NATIONAL POLICE REMEMBRANCE DAY****Debate resumed from an earlier hour.**

**The Hon. LOU AMATO (15:43:09):** I make a brief contribution to the Hon. Rod Roberts' important motion. A police officer's job is a dangerous one. Some people in our community have the misconception that a police officer's only danger is in the confrontation of criminals. Many of our brave police officers have paid the ultimate sacrifice in the apprehension of criminals and in the protection of the community. I had a look at the police honour roll and began to realise that police officers face many dangers in their duties. Police officers apprehend criminals but they also face the emotional toll of having to attend crime scenes and traffic accidents and basically witnessing tragedies that no-one should be faced with.

Many police officers face terrible trauma. I was saddened by the number of our police who have taken their own lives due to the stress of witnessing so much human tragedy. Many police officers have lost their lives in traffic accidents and many have died as a result of unspeakable violence. Only a police officer could understand the distress of being at constant risk of violence. Community support for our police is paramount. We want our police to know that we appreciate the work they do. Our police need our support just as we need them. Due to COVID-19 restrictions we are unable at this time to honour the fallen as in times past. I wholeheartedly support the Hon. Rod Roberts' motion for the NSW Police Association to conduct a light display that will be projected onto the sails of the Opera House on 29 September 2020 in recognition of the lives given in the service of this State by the brave men and women of the NSW Police Force.

**Reverend the Hon. FRED NILE (15:44:37):** I am very pleased to support the motion moved by the Hon. Rod Roberts. We heard him speak earlier of his own years of service in the NSW Police Force. This motion comes very much from his heart and from his experience in the police force. The motion states, in part:

- (1) That this House notes that:
  - (a) Police Remembrance Day is on 29 September 2020 and is the day that police and the community stop and pay honour to those police officers who have paid the ultimate sacrifice while protecting the citizens of New South Wales;

Those words remind me of the experience that my eldest son, Stephen, had in the NSW Police Force. I had two sons in the NSW Police Force, Stephen and David. [*Time expired.*]

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

**The Hon. ROD ROBERTS (15:46:21):** In reply: I thank the following members of this Chamber for the genuineness and sincerity of their contributions: the Leader of the Government, the Hon. Don Harwin; the Hon. Mick Veitch; the Hon. Bronnie Taylor; the Hon. Courtney Houssos; the Hon. Ben Franklin; the Hon. Taylor Martin; the Hon. Penny Sharpe; the Hon. Lou Amato; Reverend the Hon. Fred Nile; and, in particular, the Deputy President for his most heartfelt contribution. I will not go on; I will let those contributions from those members speak for themselves. I am certain the contributions are welcomed by the police family. I acknowledge and support the amendment moved by the Leader of the Government and I commend the motion to the House.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** The Hon. Rod Roberts has moved a motion, to which the Hon. Don Harwin has moved an amendment. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion as amended agreed to.****COALMINING**

**The Hon. TAYLOR MARTIN (15:47:43):** I move:

- (1) That this House notes that:
  - (a) around 28,600 people are employed directly in the New South Wales coal industry;
  - (b) in 2018, 164.6 million tonnes of coal was exported from New South Wales;
  - (c) some 85 per cent of the coal mined in New South Wales is exported, mainly to Japan, China, South Korea and Taiwan, where it is used mostly for electricity generation;
  - (d) New South Wales exports of coal represents only around 3 per cent of global coal consumption; and

- (e) in 2018-19 coal brought in around \$2 billion in royalties revenue in New South Wales which is used to fund public services and infrastructure.
- (2) That this House recognises that coalmining for export in New South Wales will continue to play a role in supporting other nations to provide electricity access for their citizens into the future.

Coalmining has been a major part of the New South Wales economy ever since a permanent convict outpost was established on the Hunter River in 1804. Originally, coal was used just for domestic heating and cooking, but by the second half of the 1800s it was used to power the railroads and the steamships. Now, coal is the largest export earner for New South Wales in value terms, worth around \$23.1 billion in the financial year 2018-19. That was greater than the value of our tourism and education exports combined in that financial year. I suggest that the difference would be even starker in the coming financial year due to the COVID-19 pandemic.

As the motion states, 28,600 people are employed directly in the New South Wales coal industry. In addition, almost 114,000 people would be indirectly employed. Despite all the subsidies for renewable energy and despite wind and solar tripling its share of the energy mix in the past five years, just over 7 per cent of our electricity now comes from those two sources compared with coal, which generates almost 80 per cent of our State's electricity, as detailed in the NSW Electricity Strategy.

In 2018-19 coalmining also contributed approximately \$2 billion in royalties revenue to New South Wales. This money is used to pay for the schools that our students learn in and for our hospitals and our health system, which has become especially important since the COVID-19 pandemic began. This money is also used to build roads and fund our public transport and all the other public services and infrastructure we have in this State. Any member considering opposing this motion should name what the alternative revenue sources would be. New South Wales exports 85 per cent of the coal mined in the State. This coal goes to Japan, South Korea, China and Taiwan as well as many other nations. Notwithstanding the impact of COVID-19, demand for coal is likely to remain relatively stable in the medium term. According to the International Energy Agency, worldwide demand for coal for power generation reached an all-time high in 2018.

Coal demand in South-East Asia is forecast to grow by more than 5 per cent each year. India is investing heavily in renewables, doubling wind generation and quadrupling solar photovoltaics by 2024. Yet coal demand for power generation in India is still forecast to grow by 4.6 per cent each year. People are being pulled out of poverty and Third World countries are improving their living standards and it is New South Wales coal that is helping them do that. The Global Energy Monitor showed that in July this year a total of 2,452 coal-fired power stations are in operation worldwide, with a further 211 under construction, mostly in Asia. Earlier this year the Government released its *Strategic Statement On Coal Exploration and Mining in NSW*, which states:

Under some scenarios, this could see the global demand for thermal coal sustained for the next two decades or more.

My question to those who propose that New South Wales exits or pursues a faster phasing out of coalmining in the pursuit of their green-left agenda is: What do you hope to achieve? Despite it being our largest export in dollar terms by a large margin, our coal still only accounts for 3 per cent of total global consumption. Other countries would rapidly fill the void in demand and worldwide supply would be unaffected. We would be left with tens of thousands of unemployed people in New South Wales, a reduced standard of living and a depleted State budget. We would be cutting off our nose to virtue signal our face.

We must remain focused on the provision of secure, reliable and affordable power—whether it is to keep our lights on and our fridges and freezers running at home or whether it is to ensure that our workplaces keep functioning day in, day out without fail. We should never lose sight of that key ingredient in our economy and in our society. We must not throw out our State's ability to provide such a basic necessity to appease a loud and privileged section of society, which demands virtue signalling over maintaining and improving the quality of life for all in our State and our country.

It is exciting to hear more about the emergence of hydrogen economy, which could be a very bright future. Japan and South Korea are among many countries asking Australia to gear up to provide this zero-emission carrier of energy. Through its various universities and business ventures Australia is leading the charge in the space. The University of Newcastle is moving ahead in investing in this technology. I was recently joined by Senator Hollie Hughes and the Legislative Assembly Government Whip, Adam Crouch, MP, to discuss and view a demonstration of the standalone fuelling technology being developed by the university in conjunction with the Red Bus company, which is based in Bateau Bay on the Central Coast. All I can say is: Watch this space!

It was great to hear the speech given by the Federal energy Minister, the Hon. Angus Taylor, MP, to the National Press Club yesterday on the national Technology Investment Roadmap. This plots out a sensible and responsible methodology to ramp up Australia's investment in various low- or zero-emissions technologies such as hydrogen and many others. The Future of Coal statement released by the New South Wales Government in June 2020 sets out its plan of action to meet the future demand for coal. Firstly, we are improving certainty about

where coalmining should not occur. The Government is clearly identifying areas where higher priority land uses mean that coal exploration and mining cannot occur. It has released mapping showing areas that would be ruled out for further coal exploration or mining.

Secondly, the New South Wales Government is undertaking reforms to the planning system. Some of these will provide greater certainty for coalmining proponents and the broader community. This includes amending the Environmental Planning and Assessment Act 1979 to prohibit approval conditions relating to exports. Implementation of the findings of the recent review of the Independent Planning Commission will also improve certainty for proponents of major projects. Thirdly, we are reducing the impact of coalmining. The operating and regulatory standards for New South Wales coalmines have been significantly improved in recent decades. This has delivered better environmental, social and economic outcomes. However, constant innovation in the industry means that there are always places to further reduce impacts.

The New South Wales Government will continue to strengthen regional economies through the development and implementation of location-specific plans to diversify those areas which are heavily dependent on coalmining. There will be regional variations in the profile of coal production. Some areas will see a gradual decline over the next few years while others could see increased coal production in the short to medium term. We will adopt a systematic, place-based approach to transition planning, starting with the regions that are expected to experience the earliest coal production declines and the upper Hunter region, given the importance of its coal industry to its economy.

The policies of those opposite have thankfully been rejected and it is the New South Wales and Commonwealth Coalition governments that are responsible for navigating the path forward. On the one hand we have developed countries transitioning away from coal towards cleaner energy sources. On the other, we have developing countries that are racing to meet the demand for access to electricity for their citizens as they pull them out of poverty. The New South Wales Government's responsible approach is supporting investment certainty as the coal industry is responding to global demand and also while assisting communities to manage a decline in thermal coalmining over the longer term. This is the balance that recognises that the global transition to low-carbon energy sources is already underway in developed countries and it gives coal-reliant communities time to adapt. The choice is clear. Labor and The Greens and inner-city types are telling us what we can and cannot have. They are telling us what they want to ban versus the sensible and reasonable policy being presented by State and Federal Coalition governments that is giving us choices and innovation into the future. I commend the motion to the House.

**The Hon. ADAM SEARLE (15:56:44):** Labor supports the motion although we do have an amendment. It was disappointing to hear the contribution from the Hon. Taylor Martin because NSW Labor has always supported a strong, safe, sustainable, responsible and well-regulated mining industry in this State. The honourable member moving the motion has implied that any suggestion to the contrary is to be rejected. Labor recognises that coalmining will continue to play a role in steel production and exports for many decades to come. Regarding electricity generation, demand for thermal and metallurgical coal in New South Wales and internationally will change over time as existing coal-fired power stations come to the end of their asset life and as technologies are developed allowing the production of low-carbon steel.

Labor acknowledges the important role that coal will play in providing reliable and secure power to homes and industry for decades. Today it continues to provide around 80 per cent of our electricity. But every piece of machinery comes to the end of its life. As our fleet of coal-fired power stations come to the end of their lives, the challenge for policymakers is how to ensure that our State has an affordable, secure and reliable supply of energy in the years to come. The best advice is that the most affordable form of new-build energy generation is renewables backed by appropriate levels of storage. It just happens that it is also the cleanest and best for the environment, but it is also cheaper. If you are into cheaper energy for industry to drive job creation and allow households to lift the burden of the cost of living, then you will support the transition to renewable energy for our domestic power needs. This is not ideology.

The mover of the motion has tried to get into the fringe war that has held this country back for more than a decade. The solutions are well known to industry, which increasingly supports a net zero carbon future by 2050. The current Government and members opposite claim that is their policy frame and Labor also supports that objective. But too often politics has gotten in the way. And who pays the price? Those communities currently dependent upon coal for their economic wellbeing. The challenge that all of us face is to make the change and ensure that it provides jobs and opportunities for New South Wales and its people. That is not the substance of the motion before us today. The motion deals with a range of factual propositions that cannot be debated. The second part of the motion is the obvious recognition that, given that the lion's share of the coal this State produces is for export, it will continue to play a role in supporting the electricity needs of other nations as well.

For more than a century, NSW Labor has stood with miners and mining communities. We have supported them to improve safety, wages and other conditions of employment and supported the communities where they live. We will continue to stand with them and their communities and back improvements and safety regimes, and oppose the greater use of casual and other vulnerable or non-permanent work forms in the mining industry. The number of contract staff working in coalmines continues to increase. Some of those contract staff are on good agreements, while others work side by side with directly employed miners who are paid significantly more to effectively do the same job. An example of this is recent changes to the contract miner arrangements at the Appin mine operated by South32. Industrial relations arrangements that mean miners undertake the same job on different wages and conditions are fundamentally wrong. We certainly believe that if someone is doing the same job, they should essentially get the same pay and conditions.

This is why Labor has committed to use planning approval processes to require mining companies to demonstrate that they have fair settlement procedures, to ensure that at least 80 per cent of workers on site are directly employed and to ensure that labour hire workers have the same pay and conditions as directly employed workers performing the same or similar work. In addition, NSW Labor believes that the State needs to do more to support miners as mine operations incorporate more technology and automation. I note that the mining industry in other States has a higher level of automation than New South Wales currently; nevertheless, automation is on its way and that is always a present threat to employment. As existing mines move towards greater automation, mining companies need to be required to complete a new local jobs test, which Labor proposed earlier this year.

This would require companies to develop and implement a transparent local jobs impact statement on any proposed automation in mines. That must include consultation with the workforce, the unions and community representatives to meet a "no net job loss" test at the mine as a result of automation and include additional training for existing employees and any transitional arrangements so that they can retrain into new roles at the existing mine site. Companies must also locate control rooms and technical facilities associated with automated operations at the existing site or its immediate locality. NSW Labor has developed these proposals to make sure that the State's mines continue to employ workers and the industry continues to earn its social licence. Nothing is more guaranteed to destroy its social licence than bad employment practices and robbing local communities of the full benefit of the work that it can provide.

NSW Labor recognises that the last few months of managing and adjusting to the COVID-19 pandemic has proved as difficult for the resources sector as it has for the rest of the economy. We have welcomed the efforts of mining companies and mining unions working together to develop safe and effective means through which mines can continue to operate, keep people employed and support regional economies. Coalmining is part of the lifeblood of economies and regions like the Hunter and the Illawarra. It helps people put food on the table and pay the mortgage and bills, and supports families and communities. Labor will continue to pursue policies to address the impacts of climate change and the need to transition our energy supply to clean and cheaper renewables. But we will not sacrifice coal-dependent communities in order to achieve this goal as the Berejiklian Government appears content to do. It is ignoring the challenge and opportunities that grasping the possibilities of the clean energy future can bring in terms of investment, jobs and wellbeing for the broader community and individuals directly employed in it.

New South Wales needs to diversify its industry so that it is prepared for a future where its energy is coming from different sources. It does not have to be at the expense of the domestic coalmining industry. New and traditional industries must work together to help address the social, economic and environmental challenges that we face. I move:

That the motion be amended by inserting at the end:

- (3) That this House supports labour hire workers in coalmines in New South Wales having the same pay and conditions as directly employed workers performing the same or similar work.
- (4) That this House supports the location of control rooms and technical facilities associated with automated mining operations being located at the existing site or its immediate locality.

This amendment makes good on the arguments that I just outlined. We are about supporting coalminers and their communities in meaningful work in the industries and the locations in New South Wales where mining takes place. I challenge the Hon. Taylor Martin and Government members: If they are for the workers as they claim to be, if they are truly concerned about job security and economic security, wellbeing and prosperity for the Illawarra, the Hunter and other regions, including the Central West that are dependent on mining and mining jobs, they will support these amendments. Otherwise, they are hypocrites who are just trying to engage in wedge politics to create a problem for my side of politics. In his contribution the Hon. Taylor Martin talked about "those opposite" having their policies rejected. The honourable member forgets that when we look at what his Government claims it is doing—and I say "claims" because frankly it is not delivering—a lot of that is the same policy set that we took to the last election.

The difficulty for the honourable member is that when we say that we are into a clean energy future, we mean it. His side of politics does not. More to the point, we do support coalminers. We know that there is dignity in work. We know coalmining communities do not go to work to damage the environment. They go to work to support their families and communities and to keep them thriving. We respect the dignity of work. We respect what they do. My party came in large part from these communities and we keep faith with them. The difference is that we know the economy is changing. We know that there has been a shift over the past 10, 20 and 30 years from direct employment to fragile and vulnerable work—contract, labour hire, sessional and gig work—where there is no security. People in a dangerous industry, which coalmining can be, work side by side on vastly disparate pay and conditions, where one person has—to the extent that anybody does in the current economy—some degree of permanence and security, and the person working beside them has none. They can be dispensed with at an hour's or a shift's notice.

What does that do? It undermines the standards that the workforces in those communities have fought hard for. It also undermines the health and safety regime, which is very rigorous in the New South Wales coalmining sector but is always at risk. Where workers are insecure and know that they can be dispensed with at the next shift if they rock the boat or raise an issue, they will not raise those safety issues. They will not raise those health problems. These will go unaddressed and put the rest of the workforce at risk. However workers are styled, if they do the same or similar work, they should get the same pay and conditions. That is something that the Government should agree with us on if it is serious, as it claims, about supporting coalminers, their families and communities and providing them with economic security. That is the challenge I lay down for the Hon. Taylor Martin and his Coalition colleagues. Let us see if they rise to the pitch of the ball, but I doubt they will.

**Reverend the Hon. FRED NILE (16:08:40):** I support the motion moved by the Hon. Taylor Martin. I thank him for his diligence in ensuring that this important issue involving the coalmining industry in New South Wales is brought to the attention of the House. I am very pleased to support it. Over my 30 or 40 years I have supported many of the coalminers where there have been protests and strikes. I have inspected coalmines in New South Wales, especially longwall coalmining. It is quite frightening to be down in the mine with the miners, with coal dust everywhere as those walls were excavated and allowed to collapse to get coal. Then the wall of coal would be transferred from the mine on mobile carrier trucks to the open air. Those miners were covered in black coal dust as it filled the mine. It is very unhealthy for the miners. I admire the men who work in those conditions.

The Hon. Taylor Martin reminded us in his motion that over 28,600 people are employed directly in the New South Wales coal industry. In 2018 a total of 164.6 million tonnes of coal was exported from New South Wales. Some 85 per cent of the coal mined in New South Wales is exported, mainly to Japan, China, South Korea and Taiwan, where it is mostly used for electricity generation. Coal exports in New South Wales represent only 3 per cent of the global coal consumption. In 2018-19 coal brought in around \$2 billion in royalties revenues in New South Wales, which was used to fund the public services and infrastructure. I fully support paragraph (2):

That this House recognises that coalmining for export in New South Wales will continue to play a role in supporting other nations to provide electricity access for their citizens into the future.

The point that the Leader of the Opposition made about the closure of some of the out-of-date electricity power stations powered by coal is a reminder that those out-of-date power stations should all be replaced. We should not wait until they are all closed down and there is no electricity in New South Wales. There should be a plan to replace those out-of-date power stations as urgently as possible. I am pleased to support the motion.

**Debate adjourned.**

#### *Documents*

### **LIDDELL TASKFORCE REPORT**

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

**Mr JUSTIN FIELD:** I move:

That private members' business item No. 477 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr JUSTIN FIELD (16:13:47):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 7 days of the date of passing of this resolution the following documents in the possession, custody or control of Department of Planning, Industry and Environment, the Hon. Matt Kean, MP, Minister for Energy and Environment, and the Department of Premier and Cabinet:

- (a) a copy of the draft of the Liddell Taskforce report, and its covering briefing, provided to the Minister for Energy and Environment in December 2019;

- (b) a copy of advice provided to the Liddell Taskforce by the Australian Energy Market Operator; 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.

I am sure many members of the House are aware of the debate not just in the State but also nationally over the future of the Liddell Power Station and how, when it closes in 2023, New South Wales will ensure that it has sufficient electricity generation to meet the needs of the State. That is a contested question. There are differing views as to how that can be done and what we should do for the long-term energy future of the State that is also in line with our commitments to meet net zero emissions. It is hoped we can do that quickly enough to save ourselves from a devastating climate crisis. We know the Liddell Taskforce met and weighed up many of those issues. In recent weeks some of that discussion has been reported as the Federal energy Minister has outlined a plan to replace what was seen as a significant gap that is coming from the closure of Liddell. Since then serious questions have been raised about whether what was presented by the Federal Minister fairly reflects the advice from the Liddell Taskforce.

We know the New South Wales Government through the New South Wales energy Minister was actively involved in the work of the Liddell Taskforce. Documents relating to the Liddell Taskforce are held by the New South Wales Minister and the Department of Planning, Industry and Environment. I sought through negotiation to get some of those documents some time ago, not just the draft report, which has a real bearing on New South Wales' energy future, but also the advice that underpinned the recommendations in that report. If we are going to have a debate about energy future in New South Wales, it should be a fully formed and informed debate. We should know the inputs, assumptions and expert advice. We should know what the Australian Energy Market Operator had to say about the options that were being considered for the replacement of Liddell. What we have is a press release from the Federal Minister. Now it seems he might have overplayed the energy supply gap that was going to be created by Liddell. That fed into the announcement that they were going to replace that with a gas-fired power station if the market did not step in.

Let us have this debate, properly and informed. The motion calls for two specific documents: the draft report, so we can compare it with the final and get a sense of how things might have changed with lobbying; and the key advice that was provided by the Australian Energy Market Operator. If the energy Minister would like to provide any other information so we can have a full, open and transparent debate, I invite him to do so. I know those documents exist. Seven days is appropriate. It is an easy request. It is an important debate. We should have it fully informed. I commend the motion to the House.

**The Hon. BEN FRANKLIN (16:16:36):** The Government does not support the motion. The Liddell Taskforce was announced in August 2019 as a joint Commonwealth and New South Wales Government task force to investigate the impact of the closure of the Liddell Power Station on system reliability, electricity prices, industry and the local region. As members are aware, replacing power stations like Liddell before they close is critical to maintain reliability and avoid price spikes. Officials from both governments were involved in the task force, which consulted with a range of stakeholders to prepare its report. Last Tuesday the Commonwealth announced its response to the task force report, so events have moved on. The Commonwealth's announcement is focused on ensuring that we have sufficient capacity to replace Liddell before it closes. Replacing Liddell is the right decision to protect the reliability of our grid and the safety of the workers at Liddell.

Following its announcement, the Commonwealth has released a public version of the task force report, which sets out the key findings and recommendations of the task force, including information about the modelling that it commissioned and advice and input that it received from stakeholders and energy market bodies, including the very body that the member opposite seeks information from: the Australian Energy Market Operator. Given the report of the task force is now publicly available, the Government does not support the motion.

**The Hon. ADAM SEARLE (16:18:09):** The Opposition supports the call for papers. There is a bit more to the story than the Parliamentary Secretary has outlined to the House. Yet again a culture war is being perpetrated, this time by the Federal Government. The fact is that the Government privatised our electricity system and, despite the objections of the Australian Competition and Consumer Commission, allowed the current owners, AGL, to buy those assets. To be fair to AGL, it gave at least five years' warning that Liddell would close. But that was not fast breaking news. It was well known that that piece of machinery was well and truly coming to the end of its life. Enter the Federal Minister Angus Taylor and the Commonwealth, who engaged in their own crazy culture war, trying to dictate to the market, which they said was sacrosanct. Joe Hockey as Treasurer gave money from the Federal Government to the State Government to promote so-called asset recycling so that those assets could be given away to the market.

But then, not happy with the way the market was using them, it tried to tell private companies and their shareholders what they should do with their businesses and assets. The Liddell Taskforce is an example of the Commonwealth Government dragging the Berejiklian Government along behind it, kicking and screaming, into

the slipstream and maelstrom of that crazy culture war. It is trying desperately to find some amount of money to pump into Liddell to keep it going, patched up with splints and band-aids and limping on. But as it is getting older and less reliable it potentially poses a significant danger to the people who work there and to the surrounds. Everyone knows that one of AGL's big concerns is about, frankly, the safety of the thing.

We need to know what exactly was before the task force and what has passed between the State Government and the Federal Government. We need to shine a light onto this. The task force was meant to have reported by Christmas last year. Very belatedly the report has seen the light of day, probably because the Commonwealth Government knew this debate was coming on and that it was going to be forced to come good. It can be seen in the documents that the report was in fact settled some time ago, so the timing is very strange and very suspicious. Again, how can those opposite complain about greater transparency around this? As I understand it, the State Government should have nothing to fear and nothing to hide. It should stop running a protection racket for its Canberra colleagues.

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

**The House divided.**

Ayes .....23  
Noes .....17  
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.**

#### ICARE

#### Production of Documents: Order

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

That private members' business item No. 786 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (16:31:48):** 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, excluding any documents previously returned under an order of the House, relating to Insurance and Care NSW [icare], The Treasury and the New South Wales workers compensation scheme:

- (a) the final report of the investigation undertaken into a workers compensation claim involving employees of Corrections NSW, QBE, icare and the Nominal Insurer in the possession, custody or control of the State Insurance Regulatory Authority;
- (b) all documents in the possession, custody or control of the Department of Premier and Cabinet regarding Mr Edward Yap;
- (c) all documents in the possession, custody or control of the Premier, the Department of Premier and Cabinet, icare, the Treasurer or The Treasury regarding "The audit of staff hiring arrangements in Minister Perrottet's Office between 1 Sep 2015 – 10 Aug 2020";

- (d) all documents and communications, including all emails or text messages, or messages sent through any messaging platform, in the possession, custody or control of icare, the State Insurance Regulatory Authority, the Premier, the Department of Premier and Cabinet, the Treasurer, The Treasury, the Minister for Customer Service or the Department of Customer Service, sent or received by Mr Edward Yap regarding "The Compliance and Performance Review of the Workers Compensation Nominal Insurer" undertaken by the State Insurance Regulatory Authority;
- (e) all documents in the possession, custody or control of icare, the Treasury, New South Wales Treasury Corporation [TCorp] or the Treasurer regarding:
  - (i) the resignation and replacement of Michael Carapiet and Gavin Bell as the Chair and Deputy Chair of the icare board;
  - (ii) the resignation and replacement of Michael Pratt as the Deputy Chair of the icare board;
  - (iii) all notifications of and requests to authorise any deposit, withdrawal or transfer of any monies to any fund made by icare to any TCorp or Treasury official since 1 April 2017, and the response by any TCorp or Treasury official;
- (f) all documents in the possession, custody or control of the Premier, Department of Premier and Cabinet, the Treasurer, The Treasury, icare, the State Insurance Regulatory Authority, the Minister for Customer Service or the Department of Customer Service regarding the sale or privatisation of icare;
- (g) any document in the possession, custody or control of icare, listing all contracts or service agreements or any other arrangement for the provision of goods or services, over the value of \$50,000, entered into by icare or the Nominal Insurer which were not subject to a tender, and identifying:
  - (i) the contractor name;
  - (ii) the contractor duration;
  - (iii) the date the contract was entered into;
  - (iv) the estimated amount payable to the contractor when the contract was entered into;
  - (v) the amount paid to the contractor so far;
  - (vi) particulars of the goods or services to be provided under the contract;
  - (vii) the reason for not tendering; and
  - (viii) the evaluation criteria;
- (h) all briefs and attachments to briefs sent to the Treasury Secretary or Deputy Secretary created since 1 January 2017 regarding any matter related to:
  - (i) icare, or the Nominal Insurer;
  - (ii) the State Insurance Regulatory Authority;
  - (iii) The Treasury Managed Fund;
  - (iv) all funds managed by icare; and
  - (v) the New South Wales workers compensation scheme;
- (i) all other documents, including file notes, created since 5 August 2020 in the possession, custody or control of the Treasurer, The Treasury, the Minister for Customer Service or the Department of Customer Service, regarding:
  - (i) icare, or the Nominal Insurer;
  - (ii) The Treasury Managed Fund;
  - (iii) all funds managed by icare; and
  - (iv) the New South Wales workers compensation scheme; and
- (j) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Since the House last chatted about icare, my views of it as an organisation have not changed. I have a suspicion that I am likely to hold that view for a while. Nevertheless, I seek the House's authority to use our power under Standing Order 52 to further compel the production of certain documents. This is because we need that to do our job as a house of review, because the law and justice committee requires the documents to be able to complete this inquiry and because with respect to so many of the matters that the call for papers canvasses there are still no answers, no clarity, no disclosure and no truth from the Government. This call for papers covers three subject matters.

The first is to do with the corrections officers incident that the law and justice committee is inquiring into. A matter involving allegations of collusion between Corrective Services NSW, QBE and icare has publicly been reported and is known to the law and justice committee. It is being investigated by the regulator. It has made it clear at various points in our committee that this is a serious investigation and that should Parliament request this document it would cooperate with it, of course reserving for itself all of the privilege rights we would expect. On this matter, it is important for the committee to have access to this information.



The committee has been pursuing this matter consistently since the very first public hearing, which would be well known to Mr Assistant President. I anticipate that should the order pass and the State Insurance Regulatory Authority [SIRA] have to comply, it may well advance a privilege claim. On that ground, it would have good cause. We would respect the arguments that it would put forward in respect to the privilege that it may wish to attach to that document. But the law and justice committee is working well to complete its work by the end of the year. Access to this information in a manner that is timely and allows the committee to look into it is helpful. That is the first reason.

The second reason is to do with the Treasurer's staffer. Had there been a serious investigation ordered by the Treasurer or the Government into why icare was paying for two political staffers in the Treasurer's office, it would not be necessary for this House to do its job. Had the so-called audit that was undertaken by Treasury officials been able to answer the most basic of questions—who authorised this arrangement, who requested it and why it was put into effect—it would not be necessary to seek the compulsion of documents that were provided to that audit. It did not cover those questions and I am sure that the Treasurer's office is as frustrated as we are that it did not get to the bottom of that matter. Nevertheless, there is a public interest in knowing why a workers compensation scheme was paying for the Treasurer's political staff. That is the second matter that is being dealt with in this call for papers.

The third broad subject matter that we are dealing with is the continued financial unravelling of the organisation and its governance structure. It is important that the House persist in getting to the bottom of why this organisation has managed to lose close to \$5 billion in the past three years. This is not taxpayers' money; this is employers' money paid under compulsion to help sick and injured workers return to work. Every dollar lost is a dollar lost from the pockets of businesses, big and small, and lost to the health of sick and injured workers. It is of crucial importance that we get to the bottom of what has gone on. Again, if the Government was taking these matters seriously and had itself initiated any action in this respect, it would at least have an argument why these documents should not be compelled. I understand that this is the fourth call for papers that we have directed to this matter. The icare scandal demonstrates why the upper House requires powers under Standing Order 52. Without the use of these powers, no-one in New South Wales would know what went wrong in icare. The House has used its powers well. We should continue to use our powers. I anticipate that this may be the last call for papers that is required.

**The Hon. Matthew Mason-Cox:** Promise!

**The Hon. DANIEL MOOKHEY:** I do not promise anything. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:37:23):** As the Hon. Daniel Mookhey quite rightly said, this is the fourth call for papers. It again calls for masses of documents to be produced by these agencies. I continue to make the point in this place that no consideration is ever given to whether this is adverse to good governance. In the drafting of this motion, does anyone give any consideration to the number of documents which must be produced and the number of hours which might be required? In fact, the admission is made that the State Insurance Regulatory Authority [SIRA] may in fact be claiming privilege in relation to some of these documents. Who makes that consideration about the amount of time and legal advice which has to be devoted? No-one makes that assessment. In fact, the abuse just goes on and on in relation to this process. I will give you an example.

We have a call for papers relating to wages policy that has yet to be returned. We are looking at some 17,000 documents from one agency and another 7,000 documents from another agency. In one of those agencies, all the employees are doing is complying with a Standing Order 52 application. No consideration has been given to whether this is adverse to good governance. At some stage members opposite must turn their minds to whether their use of Standing Order 52 and the way that it is being flushed continually through this place—members opposite may laugh if they like but at the end of the day we are obliged to work for the good of the people of New South Wales.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order!

**The Hon. DAMIEN TUDEHOPE:** We owe it to the people of New South Wales to use the State's public service in their interests. Today we have had eight motions calling for papers under Standing Order 52; last week we had 15. Day after day we hear members opposite say that it is all about transparent government. Rubbish! It is about using up public servants' time for the purposes of fishing expeditions, hoping to find the golden document, the golden bullet. I urge members to oppose the motion.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I remind members that they listened in complete silence to the Hon. Daniel Mookhey's contribution to debate, which is what should happen. I tolerated

the level of interjection during the Minister's speech because I did not want to limit his time by interrupting him. I will not tolerate further interjections from any member.

**Mr DAVID SHOEBRIDGE (16:40:58):** The Greens support the motion calling for papers under Standing Order 52. The Hon. Damien Tudehope exhibited mock outrage in opposing the motion, which asks for some basic things—all documents in relation to Edward Yap's employment. Members are seeking those documents because, most likely unlawfully, Mr Edward Yap was employed as a political adviser to the Treasurer. He was poached as a hard-right Republican operative from the United States and brought to Australia on, I think, a 457 visa. He was then plonked into the Treasurer's office as a highly paid political adviser, free from any of those silly public service employment restrictions that bind most public service employees, all of which was funded with the premiums paid by New South Wales employers for the benefit of injured workers. That money was not, in fact, used for the benefit of injured workers; it was used to pay a senior advisor in the Treasurer's office.

The Treasurer said he knew nothing about it and everybody says that they cannot work out how it happened. Finally the Treasurer ordered an audit but clearly that audit had narrow terms of reference and failed to look at any key critical questions. Who decided it was a good idea? Who decided icare would pay for it? Who decided it was better that the money go to a political operative in the Treasurer's office rather than to injured workers? Was it lawful? Were the visa requirements complied with? None of that was asked because the Government did not want the answers to those questions. But the answers will come when the documents are produced.

I understand why the Government is angry: It is because the entire icare scandal is shameful. The Treasurer's lack of attention to critical details is shameful. It is shameful that the Treasurer told no-one that he had to tip \$4 billion of public money into icare in the last financial year to prevent its insolvency. It is shameful that the Treasurer has not explained how the four key public insurance schemes run by icare ran at a collective \$4.8 billion loss last financial year. Government members preach to members on the Opposition side of the House about resources but we are the only people holding icare to account when the Treasurer, senior icare executives and the icare board do not do their jobs. Of course they need to be held to account. If only the board or the Treasurer or the senior executives were doing their jobs, we would not have to call for papers under Standing Order 52. However, we have to do it, we will do it and we will continue to do it until we get the answers.

**The Hon. MARK LATHAM (16:44:01):** Mr David Shoebridge has just dazzled the Chamber with his extensive knowledge of the icare matter, which raises the question: Why does he need an order under Standing Order 52? The facts of the matter are well established. The Treasurer made a mistake in putting the Republican yap yap in his private office. Any sensible Minister would always keep workers compensation matters at arms-length. This matter is being considered for the third time. I think it was the Webbs who described themselves as "the clerks of the Labor movement". I would suggest Opposition members are "the clerks of the SO 52s". I have visited the offices upstairs only three times to look at privileged documents. Currently it is impossible to move in there; it is wall-to-wall paper with no standing room because of all the boxes. New cupboards have had to be installed in the non-privileged documents area.

**The Hon. Daniel Mookhey:** It is a Fabian strategy.

**The Hon. MARK LATHAM:** It is a Fabian strategy but not even the Fabians were this assiduous in drawing out documents like a shadow parliamentary paper machine. From the outset, the concern of One Nation has been that the Chamber should not become a freedom-of-information [FOI] factory. If there are legitimate matters—and this one has been explored to death—we should have a look at them. Earlier in this term of Parliament, private members' day in this House was substantially a day of public policy debate. Unfortunately we have reached the point where an FOI factory is on one side of the House and, on the other, Government members develop noble but—let's face it—time-consuming motions, which we debate until midnight.

Government members are shaking their heads in amazement. They must think that I came down in the last shower or that they got me out from under the cabbage patch. No, I have seen a bit of politics. We are debating calls for papers until midnight, which has diminished the quality of private members' business. I would much prefer that Labor members wake up to themselves and say, "Look, we have a couple of SO 52s"—not 15 but two on a Wednesday—and that the Government recognise that we could adjourn at a decent hour of 10.00 p.m. so this Chamber could focus primarily on public policy debate.

Private members' day is being spoiled. Members probably say, "He only has two votes," but that is two votes in the Chamber during the current term of Parliament. I would hope that in the future, if not by persuasion, there would be consensus on the crossbench that we are better off as a Chamber avoiding the FOI factory, allowing some walking space in the documents office so that members can walk around the table instead of running the risk of becoming submerged in paper and never being seen again. They have more paper up there than Rupert Murdoch. We have major problems with the management of this Chamber. Sensible views should prevail. As

much as we love and admire the Hon. Daniel Mookhey and think that he should be the Leader of the Opposition, not simply the clerk to the Labor movement—

**The Hon. Daniel Mookhey:** You really want to get me, don't you?

**The Hon. MARK LATHAM:** That is the end of the Hon. Daniel Mookhey's career, I know. Members must exercise common sense. We have done the matter to death and should move on to more substantial matters, rein in the SO 52s, rein in the fact that we beat not only the Japanese, the Germans and won the Boer War—[*Time expired.*]

**The Hon. SCOTT FARLOW (16:47:15):** I share the Hon. Mark Latham's concerns for the Hon. Daniel Mookhey's welfare in the documents office. I have been there only twice—probably less than the member—but the amount of paper there is scary. I fear for the Hon. Daniel Mookhey's welfare because he is in that room every day looking through every document, looking for the smoking gun that may not be there, as the Hon. Damien Tudehope pointed out. We must ensure that members can move in that room.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order!

**The Hon. SCOTT FARLOW:** I admire the Hon. Daniel Mookhey for the work that he does and his forensic nature, but his motion requires a task that would be beyond even him because its breadth is beyond ridiculous. Paragraph (i) of the motion asks for every document in the control of Treasury and the Department of Premier and Cabinet that relates to icare or the Nominal Insurer, the Treasury Managed Fund, all other funds managed by icare and, if that is not enough, the entire New South Wales workers compensation scheme—every single document. I ask: How is that not a trawling expedition? A super trawler would be required to carry all those documents.

Paragraph (e) of the motion asks for documentation about the resignation of icare board members. Members have heard about a few recent resignations. The icare board has a new Chair, Mr John Robertson, who is a former member of this place and a former Leader of the Opposition. His appointment by the Treasurer is a noble one. But when it comes to the documents called for, there is one notable absence—that is, documents relating to a person who resigned from the icare board. That person is the president of NSW Labor, Mr Mark Lennon.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I call Mr David Shoebridge to order for the first time.

**The Hon. SCOTT FARLOW:** One notable omission is Mr Mark Lennon, who resigned from the icare board. When he came before the Standing Committee on Law and Justice he kept saying that he had resigned for personal reasons. He would not explain those reasons but we all have our suspicions as to what they were. Effectively it was put to him that it was either the icare board or the Labor Party presidency. He could not be both and be a political distraction for the Opposition. As he told the committee, he was supportive of every one of those decisions made by the board.

**Reverend the Hon. FRED NILE (16:50:27):** I support the remarks made by the Hon. Mark Latham about the abuse of Standing Order 52. On 26 August I spoke against the abuse of Standing Order 52 on the grounds that it is being utilised in a manner that was not contemplated by its original drafters and that the purpose of the order is being exploited for political purposes. In defining the proper use of Standing Order 52, I made reference to page 161 of the *Annotated Standing Orders of the New South Wales Legislative Council* concerning the origin of the power. A footnote on page 161 clarifies this with reference to authority:

The power of the Legislative Council to order the production of state papers is derived from the common law principle of reasonable necessity. This principle finds expression in a series of 19th-century cases decided by the Judicial Committee of the Privy Council between 1842 and 1886, in which it was held that while colonial legislatures did not possess all the privileges of the Houses of the British Parliament, they were entitled by law to such privileges as were 'reasonably necessary' for the proper exercise of their functions.

The authorities cited for that proposition include *Kielley v Carson* (1842) 12 ER 225, *Fenton v Hampton* (1858) 14 ER 727 and *Barton v Taylor* (1839) 112 ER 1112. Members will note that the general date range of those authorities corresponds with the period in which this House was founded.

**Mr David Shoebridge:** Point of order: The member is not being relevant to the motion before the House. It is a legal history of Standing Order 52.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** There is no point of order. The member is being relevant. Reverend the Hon. Fred Nile has the call.

**Reverend the Hon. FRED NILE:** Members will note that the general date range of those authorities corresponds with the period—[*Time expired.*]

**The Hon. MATTHEW MASON-COX (16:53:36):** Members of the House will be aware that I am a strong advocate of the powers of this House and Standing Order 52 and what I call the House's reinvigoration of that important power of holding the Executive to account by accessing documentation. That reinvigoration has reached a new level of empowerment and I wonder if that was ever envisaged by the drafters. I note that Reverend the Hon. Fred Nile tried to provide a history on the development of that power over time. The Hon. Daniel Mookhey is now rolling the use of that power into a whole new order. In this Standing Order 52 motion I see nine motions rolled into one.

As the Hon. Scott Farlow said, the catch-all at the end really means, "Give me all your documents." It is parcelling them up in a couple of semitrailers and sending them across to Macquarie Street. I too have been upstairs and stumbled over piles of documents. In a very frustrated but noble tone the Clerk has said to me, "We are not sure what we are going to do and where we are going to put all the documents." I understand it has been mooted in the budget round and the finance Minister may throw some light on this on another occasion. They are looking at building a new wing for the Clerks' offices.

**The Hon. Scott Farlow:** The Mookhey wing.

**The Hon. MATTHEW MASON-COX:** Yes, it has been said that it might be called the Mookhey wing, so you can go to the Mookhey for a looky. It will be absolutely huge. A massive wing will be added to the Clerks' offices. We are all looking for that to be provided for in the budget because we will need it. That is what is happening with this motion. I take members to one of the paragraphs that I think is quite telling. Paragraph (g) states "any document in the possession, custody or control of icare". It then lists the name of the contractor, the contract duration et cetera. It does not limit it to any date range; it is asking for all of the information. Further down the document, paragraph (i) basically states "anything else we have forgotten". Let us take a hard look at the motion and perhaps at least revise it so that it reflects the normal merits of this process.

**The Hon. PENNY SHARPE (16:56:48):** I will respond briefly to some of the ridiculous spin we have heard from the Government in debate on the motion. It is a very targeted Standing Order 52 motion. The Government does not like it because it has opposed every Standing Order 52 motion relating to icare because it does not want the public to see or know what has been happening with the agency that its boy wonder—the Treasurer—has established. It has only come to public light because of the work of this House and the motions calling for those types of papers. No government likes it. I have sat on the other side of the Chamber and argued about why we would not support motions such as this. The reality is that unless the Government is serious about not being secret and until it fulfils the aim of the Government Information (Public Access) Act, which is proactive disclosure—

**The Hon. Damien Tudehope:** You have taken it to a whole new level.

**The Hon. PENNY SHARPE:** You don't do that. I should not respond to interjections. The point is that the motion is about public interest, public accountability and the powers of the House to force that when governments refuse to comply. The Government continues to refuse to comply on so many of those motions. Further to the point made by the Hon. Matthew Mason-Cox about the new wing, we should call it the new accountability wing because it is about exposing what the Government is doing. Calls for papers and the powers of this House are important. They are not being abused. The outrages that have been exposed, particularly in icare but also through a whole range of different Government decision-making, would never have happened without the use of those powers. They are important. If the Government wants to change that it should walk the talk and make sure that it proactively discloses information and operates in a transparent way. It fights every Standing Order 52 motion. The people of New South Wales would not know about the outrages that happened with icare and a whole range of other things would never be in the public domain if not for Standing Order 52 motions. I urge members to support the motion.

**The Hon. DANIEL MOOKHEY (16:59:27):** In reply: I enjoyed listening to debate on the motion. I thank the members who participated. That is the first time I have heard the Government say that the House should not use its powers under Standing Order 52 because the scrutiny that would apply is too effective. That is basically the only argument the Government has mounted. Labor will continue to get to the bottom of what has gone wrong at the Treasurer's \$38 billion agency. Minister Damien Tudehope railed against last week's calls for papers under Standing Order 52. The Minister can maintain his rage because the Opposition will continue to apply scrutiny to the Executive. It is the Opposition's job, and Labor certainly will not demur from it. I will address the argument that members have made with regard to the cost that the order for documents will impose on icare.

I assure members of the House that the money icare will spend complying with the orders of the democratically elected Legislative Council will pale in significance compared with the money that icare paid to its top eight executives in bonuses and the \$5 million it spent building the imaginarium, which members learned about under Standing Order 52. Rest assured, I am more than prepared to guarantee that the result of getting to

the bottom of what has gone wrong for employers and sick and injured workers will pale in significance in terms of the costs that the Minister referred to. Other members made arguments about my personal welfare while reading those documents. I assure them that I am following the COVID-safe procedures and all the applicable workplace health and safety standards. I am confident that I and every other member—along with members of the public who may be interested—will be in a position to utilise the documents that are to be produced in a way that is effective to do the job.

I remind members that if ever there were a case study for why the House should have powers under Standing Order 52, it is the icare case. The powers under Standing Order 52, combined with the nonpartisan approach that was taken by the Standing Committee on Law and Justice, which was chaired by the Hon. Wes Fang, has led to proper scrutiny of a \$38 billion agency that has tanked and ruined the New South Wales workers compensation scheme. Serious changes to the New South Wales workers compensation scheme will not come from the Executive. The Government is not interested in changing anything; it is interested in covering up what has gone wrong. The only thing that will lead to change in the New South Wales workers compensation scheme is a change of personnel and proper accountability for what has gone wrong. For that reason, I commend the motion to the House.

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

**The House divided.**

Ayes .....21  
Noes ..... 19  
Majority.....2

#### AYES

Banasiak  
Borsak  
Boyd  
Buttigieg (teller)  
D'Adam (teller)  
Donnelly  
Faehrmann

Field  
Graham  
Houssos  
Hurst  
Jackson  
Mookhey  
Moriarty

Pearson  
Primrose  
Searle  
Secord  
Sharpe  
Shoebridge  
Veitch

#### NOES

Amato  
Cusack  
Fang  
Farlow  
Farraway (teller)  
Franklin  
Harwin

Khan  
Latham  
Maclaren-Jones (teller)  
Mallard  
Martin  
Mason-Cox

Mitchell  
Nile  
Roberts  
Taylor  
Tudehope  
Ward

**Motion agreed to.**

### TALLAWARRA POWER STATION

#### Return to Order

**The CLERK:** According to resolution of the House of 27 August 2020, I table documents relating to an order for papers regarding the Tallawarra Power Station, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### Claim of Privilege

**The CLERK:** I table a return identifying those 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.

**LOWER HUNTER WATER PLAN****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 Lower Hunter Water Plan, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

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

*Motions***MEALS ON WHEELS**

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

That private members' business item No. 687 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. BEN FRANKLIN (17:14:22):** I move:

- (1) That this House notes:
  - (a) 26 August 2020 is National Meals on Wheels Day;
  - (b) there are 155 branches of Meals on Wheels across New South Wales with more than 35,000 volunteers; and
  - (c) Meals on Wheels delivers around 4.5 million meals in New South Wales each year.
- (2) That this House acknowledges that:
  - (a) Meals on Wheels was established in England in 1943 by the Women's Volunteer Service for Civil Defence to assist older, frail people to remain in their homes;
  - (b) Meals on Wheels began in Australia in 1953, with Mrs E. Watts delivering meals to the needy on her tricycle;
  - (c) in 1957 Sydney City Council started Meals on Wheels in New South Wales, offering meals to inner-city dwellers in Town Hall; and
  - (d) Meals on Wheels continues to deliver a vital service for many older citizens to this day, and it does this by providing, in their words, nourishment for "communities both nutritionally and socially across the entire state of NSW".
- (3) That this House:
  - (a) recognises Meals on Wheels is "more than just a meal" and supports individual and community wellbeing; and
  - (b) thanks all the volunteers and branches across New South Wales that make this service possible, including:
    - (i) Ballina Shire Meals on Wheels;
    - (ii) Lismore Meals on Wheels;
    - (iii) Meals on Wheels Murwillumbah; and
    - (iv) Brunswick Valley Meals on Wheels Service.

Wednesday 26 August, less than a month ago today, was National Meals on Wheels Day. It is important to acknowledge this wonderful organisation in Parliament because I am sure we all know of the wonderful work it does. Born out of the Second World War in England 77 years ago, Meals on Wheels was forged on the principle of supporting elderly members of the community. Today this core vision still rings true and over 35,000 volunteers in New South Wales provide much more than just a meal. The first Australian service began in 1953 when Mrs E. Watts pedalled a tricycle around South Melbourne. The first meal was delivered to 82-year-old Mrs Catherine Meehan of Dorcas Street. The meal of the day was soup, roast lamb and plum pudding and it cost one shilling and thruppence, which today is about 13¢.

Meals on Wheels began in New South Wales in 1957 when Sydney City Council organised 150 meals in the first week of operation. All meals were cooked and served in Town Hall and each cost two shillings. At the time, many people felt a stigma about accepting charity, so charging a small cost for meals allowed people to retain a sense of independence and dignity. Today Meals on Wheels in New South Wales has grown from offering dinners in Town Hall to 155 branches across the State, demonstrating the need, value and success of the service. These 155 branches deliver about 4.5 million meals each year. Although they may have grown in size, the core values of Meals on Wheels have not changed. Priding themselves on delivering more than just a meal, thousands

of volunteers make sure that communities are supported both nutritionally and socially across the entire State of New South Wales.

Many Meals on Wheels clients may not be able to remain in their homes if it was not for this service. The burden of cooking alone is removed and those who are by themselves are guaranteed a friendly and regular social visit, which is particularly important for people's mental health. We talk regularly about the importance of combating social isolation among seniors. For over 60 years in New South Wales, Meals on Wheels has been ahead of its time in already addressing this need. I acknowledge and thank the wonderful volunteers who service the Northern Rivers where I live: the Lismore branch, led by operations manager Paula Whitehead; the Murwillumbah branch, led by volunteer committee president Wayne Tagget; the Brunswick Valley branch, led by food service coordinator Fran Leske; and the Ballina shire branch, led by president Meg Pickup and coordinator Meleta Wood.

In my time as an MLC I have been lucky to be heavily involved with the Ballina Shire branch of Meals on Wheels. I have worked with the team when they needed a new coolroom, fought with them to fund new solar panels on their roof to save substantial electricity costs and supported them at their Melbourne Cup fundraising function at the Ballina Jockey Club last year, when I was treated to the sight of their impressive and irrepressible president, Meg Pickup, riding around the room on a wooden horse. Meg, Meleta and the whole team are extraordinary advocates and ambassadors for their community, and they do an incredible job. I feel very privileged to have been involved with Meals on Wheels in this way. Each of the branches started from the kindness of local people and have grown to become a staple source of support in the lives of so many. Not only do they deliver meals but also each branch offers specialty social support. For example, Murwillumbah and Brunswick Valley offer a shopping service and social outings for clients. All four branches in the Northern Rivers look after people right across the far North Coast.

We cannot talk about this wonderful service today without mentioning COVID-19. The emergence of the pandemic meant that Meals on Wheels clients became one of the most vulnerable groups in the wake of the virus, not only in terms of health but also in being isolated and alone. Unsurprisingly, Meals on Wheels stepped up to the challenge and rapidly changed its processes to ensure the safety of its clients and volunteers, while also making sure that everybody could still receive the same great services from their trusted Meals on Wheels branch. I thank all the branches and volunteers of Meals on Wheels NSW and across Australia on National Meals on Wheels Day for the work they do each and every day. It is their compassion and care that make such a difference in the lives of so many. I commend the motion to the House.

**The Hon. PENNY SHARPE (17:18:47):** I speak in favour of the Meals on Wheels motion moved by the Hon. Ben Franklin. I thank him for bringing the motion to the House. There have been many heroes during the COVID pandemic but Meals on Wheels has failed to get the recognition it deserves. It has had to turn on a pin to support the very people that rely on it the most, and it has been able to do that. COVID-19 has caused massive challenges this year. Meals on Wheels has had issues with its volunteer base. We should understand that 65 per cent of Meals on Wheels volunteers are over 70 years old and do that work every day. That has become a challenge with the COVID pandemic because we were saying to people over 70 that they should stay home.

There has to be not only a change in the whole service delivery model to ensure that the people who are isolated in their homes are cared for and that the volunteers are cared for, but also a massive effort to recruit new volunteers, particularly people over 70. I am told by Meals on Wheels that it has had an increase in applications from volunteers, with 70 per cent of those new volunteers being under 60. That is very good, but obviously we need to urge more people, and younger people, to get more involved in something they can do every day that will make a difference in their community.

The member for Lismore wanted me to make a short contribution and I make this contribution on her behalf, given that the Hon. Ben Franklin was talking about her part of the world. She wanted to acknowledge—and I join her—the work that was done by Lismore Meals on Wheels, Murwillumbah Meals on Wheels and Tenterfield Meals on Wheels. As the Hon. Ben Franklin mentioned, those organisations have done a range of different things because of COVID-19, all at a time when they have been inundated with new clients and have had a massive decrease in volunteers. One of the most important things that we should learn from the COVID crisis is the difficulties in getting ordinary supplies such as toilet paper and hand sanitiser. That continued to be a problem.

Local businesses came to the fore and assisted Meals on Wheels in sorting it out. We should know that if we face the issue again in the future, we must ensure that our most vulnerable people have access to the services that they need. I also acknowledge the work that Meals on Wheels has done to expand its programs. As the Hon. Ben Franklin said, Meals on Wheels is more than just getting a feed in your tummy; it is about talking to a person, someone checking in on you, making referrals that you need and just caring for you in a way that sometimes, when you are very isolated, you do not get very often. This is a very good motion and I congratulate

the Hon. Ben Franklin, but I also call on the Government to consider what it can do to support more volunteer recruitment for Meals on Wheels.

**Ms ABIGAIL BOYD (17:21:53):** On behalf of The Greens I also support the motion. I thank the Hon. Ben Franklin for bringing it to the House today. I give particular thanks to the Ballina Meals on Wheels, just as the Hon. Penny Sharpe acknowledged the work done by the Lismore Meals on Wheels organisation. Ballina Shire Meals on Wheels is a not-for-profit service that has been serving seniors, people with disabilities and their carers since 1967. It is 95 per cent volunteer run and it provides nutritious and balanced meals for members of the community as well as culturally appropriate meals for Aboriginal and Torres Strait Islander clients in the community. The genius of Meals on Wheels is that the health outcomes of volunteers and clients improve. The volunteers find that their physical and mental health improves because they are getting out and about, they are part of a shared project and they are giving back to the community.

The service supports better health outcomes for clients, with the delivery of quality food, as well as enabling people to live independently and safely in the comfort of their own homes. It also stays connected with clients by checking in on their wellbeing and welfare, which, for people living on their own in particular, can be a really huge source of comfort. We recognise the volunteer board of management of Ballina Shire Meals on Wheels—the service coordinator, Mrs Meleta Wood, and her team—and all of the tireless volunteers who deliver this incredible service to the Ballina community. The member for Ballina, Tamara Smith, has supported Ballina Shire Meals on Wheels since her election in 2015 and has visited the premises and met with the board on a regular basis. This year her office provided support for a successful \$6,000 grant through the Northern Rivers Community Foundation Community Grants Program for an essential upgrade of its computer system. In 2017 Ms Smith delivered a Community Building Partnership grant of \$24,000 to the service for much-needed kitchen upgrades, and her office has provided information and support for grant applications each year since 2015.

The member has also attended, promoted and sponsored fundraisers for Ballina Shire Meals on Wheels in 2017, 2018 and 2019. She has supported Brunswick Valley Meals on Wheels since her election in 2015, including visiting those premises, engaging with the board and supporting the organisation with grant information and assistance. I also recognise the Ballina Hot Meal Centre, Ballina's only soup kitchen. Its tireless volunteers and the Catholic Church in Ballina, with the support of the Ballina Masonic Centre, have for the past two decades been providing meals to those in need. While it had to shut its doors during the COVID-19 crisis because of a lack of funding, just last week the Hot Meal Centre reopened its doors to people in need in Ballina. This was able to happen thanks to a generous donation from the Cherry Street Sports Club as well as the tireless work of the Hot Meal Centre's board of management, with the assistance of Tamara and her staff.

**Reverend the Hon. FRED NILE (17:25:01):** I thank the Hon. Ben Franklin for bringing this motion to the attention of the House. The motion states:

- (1) That this House notes:
  - (a) 26 August 2020 is National Meals on Wheels Day;
  - (b) there are 155 branches of Meals on Wheels across New South Wales with more than 35,000 volunteers; and
  - (c) Meals on Wheels delivers around 4.5 million meals in New South Wales each year.
- (2) That this House acknowledges that:
  - (a) Meals on Wheels was established in England in 1943 by the Women's Volunteer Service for Civil Defence to assist older, frail people to remain in their homes;
  - (b) Meals on Wheels began in Australia in 1953 with Mrs E Watts delivering meals to the needy on her tricycle;
  - (c) in 1957, Sydney City Council started Meals on Wheels in New South Wales, offering meals to inner-city dwellers in Town Hall; and
  - (d) Meals on Wheels continues to deliver a vital service for many older citizens to this day, and it does this by providing, in their words, nourishment for "communities both nutritionally and socially across the entire state of NSW".

I fully support the conclusion of the motion, which reads:

- (3) That this House:
  - (a) recognises Meals on Wheels is "more than just a meal" and supports individual and community wellbeing; and
  - (b) thanks all the volunteers and branches across New South Wales that make this service possible, including:
    - (i) Ballina Shire Meals on Wheels;
    - (ii) Lismore Meals on Wheels;
    - (iii) Meals on Wheels Murwillumbah; and
    - (iv) Brunswick Valley Meals on Wheels Service.



They are all places that I am sure the Hon. Ben Franklin knows well. I add to that list my own personal contact with Meals on Wheels in the western suburbs of Sydney. The only contact with an individual that many senior citizens have is when Meals on Wheels volunteers bring meals to their homes. It is not only nutrition for those senior citizens but also company and encouragement to continue to be active in their lives. I commend the motion to the House.

**The Hon. NATALIE WARD (17:27:50):** I also wholeheartedly support the motion of the Hon. Ben Franklin and thank him for bringing it to the House and giving us the opportunity to support it. Meals on Wheels began in Australia over 60 years ago. It is such a credit to the organisation that it is doing such a wonderful job and is more important now than ever. I thank Mrs E. Watts for her initiative in delivering meals to the needy on her tricycle in South Melbourne—how magnificent and how practical a response to a need, and what a helpful thing to do. People have many needs but their most basic needs are food and the company of others, and very often, as we know, they go together. There is nothing like sharing a meal together as a family, and when you are on your own, someone bringing you a meal can be so important. Very often it is not about the food.

I thank the 35,000 volunteers who deliver the 4.5 million meals a year in New South Wales. That is unbelievable. Those volunteers are the people who change other people's lives every day by providing not just nourishment but also company to those people who need it so much. I acknowledge a couple of Meals on Wheels branches in my local area, in Manly, Mosman, Crows Nest, The Benevolent Society in Warriewood, Lane Cove, Chatswood, Hunters Hill, Eastwood and Ku-ring-gai. The fact that Meals on Wheels operates and is needed in every part of Australia is testament to the wonderful work it does.

I will share two quick stories. My grandmother was a feisty little Welsh woman who lived alone in the outer suburbs of Adelaide. She was never happier than when she was grumpy. I am sure this kept her alive for a long time—she was a feisty thing. Meals on Wheels would deliver a meal to her. The meal was always terrible or the food was awful. The person was either late or early, or they were too young or too old, or they were too grumpy—but she absolutely loved it. Knowing what she said and how she conveyed it to me, "Those terrible people from Meals On Wheels came today", I know that she absolutely loved it and it kept her alive. I am sure those volunteers deal with many different people and many different personalities, and I thank them for what they do. I apologise for her behaviour. I am sure she was not rude, but I am sure she was quite feisty.

My husband and I volunteer at the Balgowlah street kitchen. We do not make a big deal of it and we do not post pictures about it, but it fills us up. It gives us so much joy and we are grateful for the opportunity to share time with people, to feed them and to provide nourishment for their souls. I support the motion and thank the Hon. Ben Franklin for moving it.

**The Hon. SHAYNE MALLARD (17:31:06):** I thank the Hon. Ben Franklin for moving this important motion about volunteers in our community. National Meals on Wheels Day is celebrated on the last Wednesday in August each year. I have been able to celebrate it in previous years. It is an opportunity to highlight to the Australian people the significant contribution made to the community by over 700 Meals on Wheels services and some 80,000 volunteers across Australia who deliver over 4.5 million meals every year in New South Wales. Like many in this Chamber, I have some experience with Meals on Wheels—both in my childhood with my mother, who was a volunteer delivery person, and in my time serving at South Sydney and the City of Sydney councils, where a serious commercial operation delivers Meals on Wheels to the inner city and neighbouring council areas.

My mum was a Meals on Wheels volunteer in my childhood. I recall jumping in the trusty Falcon and picking up the cooked meals from the Emu Plains Prison Farm as it was then known. It was a thrilling thing for a young man to go to a prison farm. We would drive around, dropping off hot meals to those in need, whether they be pensioners, public housing tenants or those who were often very lonely. The meal was only part of the service. I remember my mother having a problem delivering the meals in the allocated time because everyone wanted to have a chat. The chat, the company and the welfare check were equally important parts of the service.

It has been an uncertain 12 months with bushfires devastating the State and now COVID-19. As a result, many are doing it tough at home. This year Meals on Wheels Day fell on Wednesday 26 August. Like many events this year, it was a little different from normal due to the COVID-19 pandemic. I recognise the dedicated volunteer workforce has stepped up to protect the health and wellbeing of vulnerable Australians during the pandemic. More than half of Meals on Wheels volunteers were unavailable due to the COVID-19 pandemic and younger volunteers stepped up to support older people in our community.

The pandemic has resulted in an increase in demand for Meals on Wheels, with over 26 local New South Wales services seeing an increase in demand of between 50 and 99 per cent. At least five services faced an increased demand for services of more than 100 per cent. I thank the 35,000 volunteers across New South Wales for their dedication to helping those who need it most, particularly at this time. Meals on Wheels enables frail,

older and younger people with disabilities and their carers to remain in their own home and enjoy a level of independence and style of living to suit their individual needs.

They help frail, older and younger people with disabilities and their carers to maintain their independence at home where they are often happiest. A friendly smile, a chat, a meal and knowing that someone will drop by to say hello changes the lives of many Australians. It is not just the clients who value this contact. It is also the volunteers, as we heard earlier. Meals on Wheels has had a place in our hearts and our homes for over 60 years. I fully support this motion, thank the volunteers and congratulate Meals on Wheels.

**The Hon. SAM FARRAWAY (17:34:12):** I thank my colleague the Hon. Ben Franklin for moving this motion. Meals on Wheels clients can be of all ages and backgrounds, from younger people with a disability to older Australians determined to stay independent for as long as possible. For many of these people, a visit from their Meals on Wheels volunteer may be the social interaction they look forward to and the meals they receive might be their best source of nutrition. The volunteers providing these meals—and this vital social interaction—are the true heroes of the Meals on Wheels initiative. They not only deliver meals, they also look out for their clients, often building a relationship over years with those they visit and make deliveries to. Loss of appetite, confusion and deterioration in hygiene are just some of the signs volunteers may notice. Their efforts in alerting next-of-kin can be lifesaving.

Meals on Wheels has over 190 members across the State, with 35,000 volunteers delivering 4.5 million meals each year to 15,000 clients every day. Some 68 per cent of these clients come from regional New South Wales, including my home town of Bathurst. In August 1964, a meeting was held at the Bathurst Civic Centre to launch a Meals on Wheels service for the Bathurst region. Three months later the first hot meals were delivered by two volunteers to eight elderly residents. At their first annual general meeting in 1965 it was reported that they delivered 2,783 hot meals, with 30 residents receiving regular meals—quickly proving there was a local demand for the service.

During COVID-19 the demand for meals has increased. In one week alone the Bathurst team will cook and deliver over 9,600 meals, showing how vital the service continues to be for regional communities. The Bathurst team does not just provide frozen meals five days a week within the broader Bathurst and Oberon area; it also provides frozen meals to the Commonwealth Home Support Program organisations across rural and remote New South Wales and throughout the Central West via the Central West Frozen Food Services. Colin Hope and his team do an amazing job and they, along with all other Meals on Wheels volunteers and employees, deserve to be recognised and thanked for all that they do. Meals on Wheels is much more than simply a meal. I sincerely thank all the branches and volunteers across New South Wales who make this service possible.

**The Hon. NATASHA MACLAREN-JONES (17:37:01):** I support this motion and thank the Hon. Ben Franklin for moving it. A good thing about private members' day is the opportunity for members to move broad-ranging motions. This important motion acknowledges the significant work that all Meals on Wheels organisations do across our State. Meals on Wheels Day is an opportunity to highlight the contributions being made throughout the community by our Meals on Wheels services and the 80,000 volunteers that donate their time throughout Australia. Meals on Wheels traces its origins back to the United Kingdom and has been operating in Australia for over 60 years. It began in Melbourne in 1953 when Mrs E Watts delivered her first meal on a tricycle. Sydney City Council began providing meals in the inner city in 1957.

Today Meals on Wheels has become a household name, providing more than just meals to the community. The organisation plays an invaluable role in our community, supporting the elderly and those with a disability. It also helps people to remain in their own home and live with independence. I acknowledge the 35,000 volunteers across New South Wales who deliver 4.5 million meals each year. Volunteers play a significant role in our community and volunteering for Meals on Wheels is estimated to contribute the equivalent of around \$200 million in funding nationally. By delivering nutritious meals and providing social interaction—particularly in this current climate—volunteers are able to check on the health and wellbeing of individuals, while assisting them to live independently. There are over 190 services across New South Wales, delivering 15,000 meals daily. Some 68 per cent of the services are provided in rural and regional areas.

I acknowledge Camden Meals on Wheels, who celebrated 50 years of operation on 23 June 2020. In its first year it served 3,237 meals. Today it has grown to do more than just provide meals. It also provides transport to assist people to get around town, particularly for medical appointments and shopping. It also provides a books bus, which is a free service that comes to a person's home so they can borrow books. I acknowledge the Central Coast Meals on Wheels. It runs the Plates for Mates, which involves working with clients to help them socialise with others. Holbrook Meals on Wheels provides group exercises, which particularly help people with their health and wellbeing. [*Time expired.*]

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (17:40:14):** I thank the member for bringing this issue to the attention of the House. Meals on Wheels in Australia was established over 60 years ago and what an amazing service they provide to our community. In 1953 Mrs E. Watts delivered the first meals to the needy on her tricycle. By 1957 the Sydney City Council began Meals on Wheels more formally by offering meals to those living in the inner city from Town Hall. Fast-forward to today and the organisation delivers around 4.5 million meals annually. It is powered by over 35,000 volunteers and has more than 155 branches across New South Wales. Meals on Wheels provide meals to anyone over the age of 65 who needs assistance. It can be on a permanent basis or a temporary arrangement as someone recovers from an illness or accident. The service also has no waiting list—how incredible is that? No waiting list means anyone in crisis, anyone who needs assistance, can turn to Meals on Wheels and know they will receive the assistance they need.

Meals on Wheels is more than just a meal. The organisation provides meals in their centres, it delivers frozen and hot meals directly, and provides neighbour aid, social support and social outings. The social aspect of Meals on Wheels is what makes the organisation such an incredible service. For an older person who is frail or unable to easily leave their home, having a volunteer drop by who has a friendly smile, a ready-made meal and is open for a chat can be the highlight of their day. I know this from my own experience as a community nurse. The arrival of a volunteer with whom you can have a conversation and the connection to community is absolutely invaluable. That service particularly allows our elderly in regional New South Wales to maintain a sense of independence so they can remain in their homes and communities, where they are often their happiest, most comfortable and most connected.

I thank and acknowledge the work of the thousands of volunteers right across New South Wales and Australia. I thank the Hon. Ben Franklin for moving this wonderful motion. I worked as a nurse in rural New South Wales and in the city for over 20 years and I have seen what an incredibly valuable service Meals on Wheels is. It provides more than a dietary meal and sustenance. It provides a social connection and is volunteering at its best. It is a terrific motion that pays credit to this incredible organisation.

**The Hon. WES FANG (17:42:51):** I am pleased to have the opportunity to speak in debate on this motion. I thank the Hon. Ben Franklin for moving this important and timely motion recognising the incredible work of our Meals on Wheels volunteers and staff right across the State. When COVID-19 first started making an impact across Australia, the demand for Meals on Wheels in Wagga Wagga alone increased by a staggering 40 per cent. The Wagga Wagga Meals on Wheels had humble beginnings, starting in 1963 with just seven clients. As more people came to recognise the service as a means of being able to stay in their own homes, numbers grew and in the first year 2,949 meals were served. Today, the Wagga Wagga Meals on Wheels delivers more than 35,000 meals a year, with almost 100 volunteers keeping the service operating smoothly.

Manager Julie Logan and finance officer Sharon Froom recently celebrated a combined 50 years of dedication to Wagga Wagga's Meals and Wheels—a remarkable achievement. Tonie and Mary round out the head office team and I thank all four of them for their dedication to the local community. Again I thank the Hon. Ben Franklin for moving this motion. I commend those volunteers in Wagga Wagga for delivering those meals for a combined 50 years. I commend the motion to the House.

**The Hon. BEN FRANKLIN (17:44:39):** In reply: I feel a little embarrassed that I moved that the motion should be considered in a short form format because of the rush of enthusiasm—

**Ms Cate Faehrmann:** Don't be.

**The Hon. BEN FRANKLIN:** I know that Ms Cate Faehrmann strongly supports Meals on Wheels and would have loved to have spoken. For Hansard's benefit, she nodded her head. This has been a great debate and an appropriate acknowledgement. I thank all speakers and highlight some of the points that were made. I appreciated Ms Abigail Boyd's comment that the genius in this service is that the welfare of both volunteers and clients improves. That mutuality is very important. The Hon. Sam Faraway talked about the fact that 68 per cent of the clients are from regional New South Wales. Social and physical isolation is an issue in regional New South Wales and that shows why such a service is so important. Minister Bronnie Taylor talked about the fact that there is no waiting list. If you need the service, it is available immediately. That is unusual.

The comment I particularly acknowledge and highlight is the contribution of the Hon. Penny Sharpe in regard to the importance of volunteering. We live in a time when people volunteering to work in organisations is dropping massively—whether it be in our respective political parties or any organisation that requires you to show up and do a job for which you are not paid. We have seen that occur whether it is Surf Life Saving, the Red Cross and Meals on Wheels. That goes hand in hand with the fact that we have an ageing population. Every year there are more older people because of our increased and better health services, which means volunteer organisations will become more important. We want to keep people in their homes so they can maintain their independence for

as long as possible. I appreciated the statistic referred to by the Hon. Penny Sharpe. We are seeing encouraging signs that younger people volunteering is on the rise. That is fantastic. But as has been said and everyone in this Chamber would say, more needs to be done.

One message I leave with all members today and those who may be listening online is that we all have a duty to encourage people to volunteer and support their local Meals on Wheels. There are many excellent voluntary organisations in our community worthy of our support but I cannot think of one that means more to people's fundamental lives and existence than being able to be fed while retaining their independence, dignity mental health and social identity. That is exactly what Meals on Wheels does. I appreciate the support of all members in this Chamber. I commend the motion to the House.

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

**Motion agreed to.**

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

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

That private members' business item No. 740 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. EMMA HURST (17:48:25):** I seek leave to amend private members' business item No. 740 outside the order of precedence for today of which I have given notice by omitting in paragraph (2) "urgently implement" and inserting instead "pursue".

**Leave granted.**

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

- (1) That this House notes that:
  - (a) in the United States, research trials have proven that immunocontraceptives reduce rates of reproduction in wild horse populations; and
  - (b) to reduce the wild horse populations in Kosciuszko National Park long-term, and in a humane way, it is essential that we start trials of the most promising immunocontraceptive vaccines in New South Wales immediately.
- (2) That this House calls on the Government to pursue a trial of immunocontraceptives on wild horses in New South Wales. The brumbies currently residing in Kosciuszko National Park have become a controversial and emotionally charged subject. As a member of the Animal Justice Party, I am focused on finding the best outcome for all native and non-native animals in Kosciuszko. After researching and consulting with experts for the past year, two things have become clear. First, immunocontraceptives are going to be a critical tool in humanely and effectively reducing wild horse numbers, particularly in the long term. Secondly, New South Wales has not invested the resources that would enable NSW National Parks and Wildlife Service to actually utilise immunocontraceptives in the park. For members who are not aware, immunocontraceptives are vaccines that, when administered, inhibit the ability of the female to further reproduce. The vaccines can be darted from a distance and cause minimal pain or behavioural disturbance to the animals involved. Overall they are the most humane method available.

In the United States, governments have been investing in immunocontraceptives to reduce wild horse populations for decades. The two main vaccines, porcine zona pellucida and GonaCon, generally require two doses to induce long-term infertility, which can be a challenge with horses in the wild. However, that is all changing. I have met with researchers from the United States Department of Agriculture who are testing a new type of immunocontraceptive called an oocyte growth factor vaccine, which would induce long-term infertility with a single dart. The research into that immunocontraceptive is looking very promising.

In Australia, on the other hand, we have done nothing. We have never had a proper trial of any immunocontraceptive on wild horses, despite the fact that everyone seems to agree that immunocontraceptives are going to be critical to brumby management. The 2016 Draft Wild Horse Management Plan stated "it is hoped that fertility control" will eventually become one of the "primary population control methods" in Kosciuszko National Park. The same idea was echoed to me in recent meetings with the NSW National Parks and Wildlife Service. Researchers from the CSIRO such as Dr Lyn Hinds have acknowledged that a trial of immunocontraceptives on horses in Australia is warranted, and yet there has been no investment by the New South Wales Government into trials. It begs the question: How are immunocontraceptives ever going to be ready to be utilised in New South Wales if we do not at least start the research? Delaying the trials means that the Government

will continue to cause stress and controversy by sending more horses to knackeries, rather than change the process to humane fertility control.

Horses continue to suffer horrific deaths, native animals remain at threat and communities are stressed about the animal cruelty. We must start the trials now. We have the great opportunity to be able to benefit from the work that has been done in the United States and go straight to trialling the cutting-edge oocyte growth factor treatment, which can be administered with a single dart. Remember, wild horses have the same capacity to feel pain and fear as a native animal, and their lives deserve the same level of dignity and respect. With the right investment in research and trial studies, fertility control offers the potential to reduce wild horse numbers humanely and ethically to a level that is acceptable in the long term. It is the only scientifically backed solution being put forward that promises to be both effective and avoid extreme animal cruelty. The Government must invest urgently in fertility control for those horses. I urge members to support the motion.

**The Hon. MATTHEW MASON-COX (17:52:35):** I congratulate the member on her motion; I think she is on the money. It is my pleasure to inform this august House that the Government is supportive of the motion as amended. The Government supports the animal welfare aims of the motion and notes that reproductive control is one measure that will be considered in developing a long-term plan to manage wild horses—brumbies, as we know them. As the honourable member knows, the Government introduced the Kosciuszko Wild Horse Heritage Act 2018, which requires that a wild horse heritage management plan be prepared. The plan will outline long-term measures to manage a sustainable horse population that protects the environment in Kosciuszko National Park and the heritage value of wild horses. A community advisory panel and a scientific advisory panel have been appointed to advise on the plan. Wild horses are having an adverse impact on Kosciuszko National Park's unique environment and cultural heritage, particularly in the post-bushfire landscape.

At this stage the science tells us that reproductive control alone will not substantially reduce the wild horse population in the short term to medium term. Other control methods will be required to reduce those negative impacts. In developing the new plan I can confirm that the NSW National Parks and Wildlife Service will consider reproductive control of wild horses. I am advised that reproductive control is most effective when used on small populations. It can help maintain populations at those low densities. However, the 2019 Australian Alps Feral Horse Aerial Survey estimated that there are around 19,000 wild horses in Kosciuszko National Park. The Government supports the future use of reproductive control to maintain the wild horse population once we have reached sustainable levels. It could be a way of removing the requirement for the use of other control methods in the future, but it will take time to reduce the population to a density where reproductive control can be effective.

I am aware that National Parks and Wildlife Service representatives have met with the Hon. Emma Hurst and with researchers from the United States who are in the early stages of trialling a new reproductive control vaccine for wild horses in the US. The Government awaits the results of the effectiveness of those trials and will consider how they may be used within Australia. Reproductive control alone is not a panacea for wild horse population reduction in the park. There is no reproductive control method yet developed that is highly effective or easily delivered. I am advised that of the two most effective immunocontraceptive vaccines developed for wild horses, neither are yet licensed for use or available in Australia. The new plan will properly consider the steps needed to implement a reproductive control program in Kosciuszko National Park based on the best available evidence. The Wild Horse Scientific Advisory Panel continues to provide advice on the best ways to do it. The Government will continue to work with stakeholders who have an interest in this important issue. I thank the Hon. Emma Hurst for her ongoing engagement.

**Ms CATE FAEHRMANN (17:55:42):** The Greens support the Government undertaking trials of humane methods of feral animal control, so we support the motion. However, we also strongly support the Government taking urgent measures to reduce the number of feral horses in Kosciuszko National Park. Feral horse numbers have exploded in Kosciuszko since the Hon. John Barilaro introduced the Kosciuszko Wild Horse Heritage Bill in 2018. The population in Kosciuszko National Park is estimated to have risen from 6,000 in 2014 to around 20,000 now. Native animals at risk from the explosion in feral horse numbers include the broad-toothed rat, which is a cute little animal like a hamster; the alpine tree frog; the northern corroboree frog; the southern corroboree frog; and the mountain pygmy-possum. In 2016 the total population size of the mountain pygmy-possum was 2,405 adults with only 685 in the Mount Kosciuszko region, according to a 2016 study. Recently Professor Jamie Pittock from the Australian National University College of Science flew over Kosciuszko to inspect the damage to threatened species habitat after the fires. He described what he saw as follows:

At first, I wondered if the fires may have spared two animals which live in tunnels in the vegetation on the sub-alpine high plains: the alpine she-oak skink and broad-toothed rat ...

But not only was their understory habitat burnt, a dozen feral horses were trampling the peat wetlands and eating the first regrowth.

On the unburnt or partially burnt plains a few ridges over, 100 or more horses were mowing down the surviving vegetation.

Many key wetland habitats of the southern and northern corroboree frogs have also been burnt. These striking yellow and black frogs nest in wetland vegetation.

We hovered over a key wetland for the northern corroboree frog that had not been burnt, deep in the alpine forest. A group of feral horses stood in it.

They stood in some of the last habitat of the little northern corroboree frog. He continued, "They had created muddy wallows." I had a look at the CSIRO research from Dr Lyn Hinds that the Hon. Emma Hurst mentioned. The conclusion of that research states that immunocontraceptives are not applicable to the situation in Australia at the moment because we have too many feral horses, so it is good for us to look at alternatives. The Greens support the motion, but we have to do more.

**The Hon. MARK PEARSON (17:58:51):** The motion is an interesting way to look at these horses. Terms such as "wanted yesterday, unwanted today" are used. We have to remember that those animals were actually part of our culture. They opened up the countryside. They opened up the west of New South Wales and Australia, and they are part of our heritage. At what point do we say an animal that has arrived is now part of our heritage and that it is accepted?

It was not very long ago that I saw photographs of Guy Fawkes River National Park where there were Rambo operations. People were in helicopters, shooting the horses in very rough terrain. Mares were aborting as they were running along rough, rocky ridges, trying to escape the noise, terror and the bullets from the helicopters. Millions of dollars have been invested in all of this maiming and killing of animals. If we had thought—and we are at least beginning to now—to invest the same resources into an alternative and humane method, we would be doing that now. Jay Kirkpatrick was a scientist who introduced immunocontraception to horses in the Rocky Mountains in the early nineties. Those horses are now completely controlled by immunocontraception. That was effective in the Rocky Mountains after two to three years. No other methodology has had to be used.

I thoroughly support this motion. I am extremely heartened that Minister Matthew Kean is willing to take this on and convince the National Parks and Wildlife Service to adopt the pilot trials. When I tried to bring this up with Mr Mark Speakman the National Parks and Wildlife Service were very resistant to even trialling it. I got nowhere with the next Minister, Ms Gabrielle Upton. I welcome and am heartened that the Government is now going to adopt a methodology in a much shorter time than Ms Cate Faehrmann has indicated, which means when we put our resources into finding an answer to this problem, we will have immunocontraception as the major effective measure for controlling those horses within three years.

**The Hon. PENNY SHARPE (18:02:00):** I support the motion moved by the Hon. Emma Hurst and I thank her for her ongoing interest in this issue. She is right when she says that the matters surrounding the feral horses in Kosciuszko National Park and our alpine regions have been ongoing and controversial. People have strong views about it. What I like about today is the fact that we have actually come to an agreement that we can all work with. It gets us some of the way and recognises that there is no one method that can control feral horses, but we should be trying the most humane methods that we can. We have to be honest about what this discussion actually means. Currently over 19,000 horses are in the park. They are doing untold damage to water, soil and the catchment. They are further endangering 28 already threatened species that live nowhere else on earth. This is where Labor differs from the Animal Justice Party. We think that we need a much stronger line when it comes to invasive species.

We recognise the heritage value and importance that people place on the horses, particularly in that area of Australia and New South Wales. However, we have always had the view that the threatened species and unique alpine area is too important to allow the horses to run wild in without reducing their numbers. We care about the mountain pygmy possums, she-oak skinks, corroboree frogs, broad-toothed rats and the 21 flowering species that are also at risk. Those horses are putting them further at risk. This motion is a good step forward. None of us want to see horses treated in a violent way or in a way that does not take into account the highest standards of welfare. I want to think that this is possible; it is not really possible yet.

We have to tell ourselves the truth: Those numbers need to be reduced. They need to be reduced faster than this pilot is going to be able to do, but it is a good start. We support the reduction of the numbers of the horses in the park in a much shorter time frame than there is currently. The damage that they are doing to water, soil and other threatened species is too great. I also urge, while we are having this discussion, a rethink of the Kosciuszko Wild Horses Heritage Act that has been passed. It prioritises an invasive species over the entire park and undermines our national parks and wildlife management systems. That needs to be looked at again.

**The Hon. CATHERINE CUSACK (18:05:04):** I will not repeat what has been said. The contributions have been pithy and excellent on this debate. I certainly echo the sentiments of the Hon. Penny Sharpe. I take issue with the comment made earlier that the Government is spending millions of dollars on programs for killing animals. It completely mischaracterises the feral animal management programs, which save both plant and animal

endangered species. Damage is being done, particularly in alpine areas where the ecosystem is so fragile. If anyone ever goes walking up there they will find that all of the species are tiny. I certainly have done significant walking there. It is very difficult. Marsupials in Australia all have soft, padded feet. When you go bushwalking on sand you will sometimes hear a crunching sound. That is the plankton that holds all the soil together.

The hooved animals are very destructive. This is why we have dust storms and it is not natural for Australia to have dust storms. If it was natural, we would have lost our ground soil millions of years ago. Hoofed animals are a real blight on all ecosystems, but in particular anything fragile and near water. Millions of dollars is being spent to save species for which we have an awesome responsibility. I come from Yass, the home of Banjo Paterson and *The Man from Snowy River*. I ride and love horses. We love animals. I love that we can all agree that this is a humane step forward. I am delighted by the consensus that those horses need to be managed hard.

Obviously, the ultimate objective should be their removal. I want to make only one point: The emotion of this debate is such that many environment Ministers simply give up on this issue. It is right up there with the hardest environment issues. It is really easy for an environment Minister to keep shuffling this to the bottom of their tray and the Hon. Matthew Kean has not done that. He has persisted. He worked with all the stakeholders on it. I am grateful to him for doing that. I congratulate and thank the member for the motion. I am glad that we all seem to have a consensus on this issue today.

**The Hon. EMMA HURST (18:08:07):** In reply: I thank all the members who spoke in debate on the motion: the Hon. Matthew Mason-Cox, the Hon. Catherine Cusack, the Hon. Mark Pearson, the Hon. Penny Sharpe and Ms Cate Faehrmann. The point of this motion is to push forward a need for a humane alternative and recognise the need to protect both horses and native animals. I recognise the comments made by the Hon. Catherine Cusack that this is a hard issue. As I said in my inaugural speech, as a member for the Animal Justice Party, we want to protect those horses and ensure that they are being treated humanely but we also want to protect the native animals. It is an issue that cannot be ignored. We have taken a particular interest in immunocontraceptives because we have decided that this is the most humane solution. It is still not fantastic. Flying around in helicopters, chasing horses, darting them and rendering them infertile is still not a perfect solution.

It still has welfare issues attached to it but we have moved the motion in its current form because after doing the research we think that is the best compromise. I encourage members to choose carefully the words they use when describing animals. Words like "feral" and "invasive" suggest that animals have some kind of ill or evil intent. Any animal that is not native to this country was brought here against its will by European settlers many years ago. As the Hon. Penny Sharpe said, the motion seeks to find a solution on which all members agree. I am glad to hear that all members agree on the matter. I thank members for their support for the motion and Minister Matt Kean for indicating that he is moving on the issue.

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

**Motion agreed to.**

#### *Bills*

### **TRANSPORT ADMINISTRATION AMENDMENT (CLOSURES OF RAILWAY LINES IN NORTHERN RIVERS) 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 a later hour.

**Motion agreed to.**

#### *Motions*

### **THREATENED SPECIES AND BIODIVERSITY**

**Ms CATE FAEHRMANN:** I move:

That private members' business item No. 794 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Ms CATE FAEHRMANN (18:12:12):** I move:

- (1) That this House notes that:
  - (a) a recent study published in the journal *One Earth*, conducted by 17 scientists across six countries using satellite imagery, has found that between 2000 and 2013, 1.9 million square kilometres of intact ecosystems were lost because of human activity, an area equivalent to the size of Mexico;
  - (b) Australia along with Russia, Canada and Brazil, hold the largest intact areas of wilderness, together responsible for 60 per cent of the world's most untouched places;
  - (c) the loss of wilderness is exacerbating both the extinction and climate crises through the loss of threatened species habitat and natural carbon stores;
  - (d) New South Wales coastal forests have been listed as a global biodiversity hotspot, with 2,144 endemic plant species, and 150 frogs, reptiles, birds and mammals found nowhere else on earth, yet 77 per cent of the original native cover of these forests have been lost or degraded;
  - (e) a Natural Resources Commission report from July 2019 found that New South Wales has seen a 1,300 per cent increase in land clearing since the implementation of weakened biodiversity laws by the Government in 2017;
  - (f) the 2019-20 bushfire season saw up to 82 per cent of threatened species habitat and more than a third of New South Wales rainforest burnt; and
  - (g) Dr Anthony Fauci, The White House's top coronavirus adviser, has recently published a research paper in the journal *Cell* pointing to environmental degradation and biodiversity loss as the primary drivers of a new "pandemic era" for humanity.
- (2) That this House acknowledges the global role New South Wales must play in conserving the State's biodiversity, for both environmental and public health outcomes, and calls on the Government to urgently strengthen protections for threatened species and biodiversity, including by expanding the protected areas network.

The loss of wilderness and other natural areas around the globe is fuelling the extinction and climate crises that together threaten much of life on earth, including humanity. Recent research published in the Journal *One Earth* conducted by 17 scientists across six countries using satellite imagery has found that between 2000 and 2013, 1.9 million square kilometres of intact ecosystems were lost because of human activity. That is an area the size of Mexico. I ask members to let that sink in for a moment.

Emissions from land use make up nearly 22 per cent of the world's greenhouse gas emissions. The continued clearing of land destroys one of the best tools we have for future carbon capture and storage. In only one year land clearing wiped out \$1 billion worth of taxpayer-funded emission reductions in Australia. Dr Anthony Fauci, the White House's top coronavirus adviser, published research last month in the prestigious journal *Cell* linking the rise of infectious diseases with humankind's destruction of the natural environment. According to Dr Fauci, we are entering a pandemic era. He lists the emergence of past diseases as a result of human-wrought environmental degradation. The article states:

Land-management practices have been associated with reemergences of Eastern equine encephalitis ... deforestation with emergences of Zika and Hendra viruses; road-building and environmental degradation with the spread of Bolivian hemorrhagic fever and HIV ...

As humans expand into natural areas, they come into closer contact with more and more wild animal species, which are put under greater stress and therefore become more vulnerable to infection. In a recent issue of *The New York Times*, David Quammen, the author of a book called *Spillover: Animal Infections and the Next Human Pandemic*, wrote:

We cut the trees; we kill the animals or cage them and send them to markets. We disrupt ecosystems, and we shake viruses loose from their natural hosts. When that happens, they need a new host. Often, we are it.

Dr Fauci sees only one way out of the pandemic era and that is, in his words, through living "in greater harmony with nature". Australia is one of four nations—with Russia, Brazil and Canada—that together hold 60 per cent of the world's remaining untouched spaces. That means that New South Wales has a duty to the planet to conserve what little remains of threatened species habitat and areas of high conservation value. But we are going backwards. In 2017 the Liberal-Nationals Government replaced the relatively effective Native Vegetation Act 2003 with the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016. The result was an explosion in the clearing of native vegetation across the State, the scale of which is almost unfathomable.

Last year the Natural Resources Commission found that land clearing in New South Wales has increased by 1,300 per cent since that legislative change. It also reported that in nine out of 10 regions wildlife and bushland were at higher risk because regulations allow for the thinning of native vegetation for pasture expansion and that no effective monitoring and compliance regime exists to ensure that the laws are being obeyed and enforced. Our



coastal forests contain 2,144 endemic plant species and 150 frogs, birds and mammals that are found nowhere else on earth. Yet 77 per cent of the original native cover of those forests has been lost or degraded. Despite that, the Government has allowed Forestry Corporation of NSW to continue logging operations in koala and other threatened species habitat in places like the Styx River State Forest on the North Coast, Kalang Headwaters near Bellingen and the Lower Bucca State Forest in the proposed great koala national park.

Last week the Government nearly imploded over a planning mechanism that is meant to help the koala. The National Party claims it goes too far. The truth is it does not go nearly far enough. This State's environmental protections are woefully inadequate to prevent the extinction of the koala and thousands of other threatened species in the coming decade. I urge members to recognise the urgency with which we must act to conserve what is left and to support this motion calling for the Government to urgently strengthen protections for threatened species and biodiversity, including by expanding the protected area network for both environmental and public health outcomes.

**The Hon. CATHERINE CUSACK (18:17:27):** I move:

That the question be amended by omitting paragraph 1 (e).

I assure the House that the Government is firmly committed to the long-term protection of threatened species and biodiversity. However, the member's motion contains an inaccuracy. Paragraph (1) (e) of the motion suggests that the Natural Resources Commission report identified a 1,300 per cent increase in land clearing. In fact, the increase relates to approvals to clear land under the Land Management Framework; in other words, approvals that may result in clearing in the future but do not represent actual clearing. It is important to note that those authorisations are valid for 15 years and therefore may not be acted on in the near future, or at all. That is entirely a matter for the landholder.

In addition, the report notes that it may be too early to know whether the increase in authorisations is driven by the reform of the Land Management Framework or by other factors. Therefore, that reference does not accurately reflect the findings of the report. The Government's amendment seeks to remove paragraph (1) (e). The Government recognises the dreadful impact of last summer's bushfires on biodiversity and on our communities. Some 5.4 million hectares of New South Wales land were affected, including approximately 35 per cent of rainforests and 25 per cent of koala habitat in eastern New South Wales. The Government acted immediately to support and save affected wildlife. It also made emergency funding available to wildlife carers. The Department of Planning, Industry and Environment is continuing its assessments of fire impacts across fauna, flora and endangered ecological communities to prioritise longer term actions.

We know that some species have fared particularly badly, and they will be prioritised for recovery action. For example, 97 per cent of known records of the critically endangered long-nosed potoroo and 84 per cent of known records for the Hastings river mouse are within burnt areas. Already, the largest ever pest management program in NSW National Parks and Wildlife Service history is being undertaken to protect our native biodiversity, which is more vulnerable to pests following the impacts of the recent bushfires. I particularly congratulate the Government on that. For many years I have implored the Government that whenever there is an event such as the bushfires, there is an opportunity to more quickly and easily eradicate feral species. That opportunity is being fully leveraged and I thank the Minister for it. Our national park estate is the cornerstone of biodiversity conservation in New South Wales. I am advised that 85 per cent of all threatened species are found in the national parks' reserve system. I commend the amendment to the House.

**Mr DAVID SHOEBRIDGE (18:20:38):** I recall walking the Corn Trail on the South Coast a few years ago with local Greens members. The trail in Monga National Park goes through rainforest gullies, warmer temperate rainforest and eucalypt forest. I remember the Jurassic feeling of the incredible dense forests of giant ferns and being in dry sclerophyll forest on sandstone ridgelines just a few short kilometres later. It is an incredibly rewarding walk with a new ecosystem every few hundred metres. That changes towards the end, though, where the forest slowly becomes degraded and riddled with invasive species, including blackberries smothering native species, dramatically reducing the biodiversity of the forest. It is no coincidence that that part of the walk is right next to Buckenbowra State Forest and the associated logging activity. Native forest logging damages biodiversity and allows invasive species to flourish. Proponents of logging tell us that it is sustainable because new forests grow. However, what replaces logged forests is in no way comparable to what was there before.

As members would see walking the Corn Trail, forests that regrow after logging compete with dense growth of invasive species. They do not have the diversity of plants and trees present in pre-logged forests, nor the diversity of age and structure. We know, for instance, that those new forests inevitably lack the older trees and hollows essential for our native species. When I say "essential", many native species rely on tree hollows to survive: about 17 per cent of bird species, 42 per cent of mammals and 28 per cent of reptiles rely on them for critical parts of their breeding cycles. Hollows take a long time to form. The NSW National Parks and Wildlife

Service tells us that small hollows with narrow entrances suitable for small animals such as the brush-tailed phascogale and the eastern pygmy-possum take about 100 years to form—a century just for the small hollows. Hollows of a medium size and suitable for animals such as parrots take about two centuries to form, and the larger and deeper hollows, occupied by glossy black-cockatoos and masked owls, can take even longer.

We cannot log a mixed-age or old-growth forest without having a massive impact on biodiversity. Surveys show that the public understands that logging native forests is damaging. The public also thinks that the industry should be on the way out. National surveys consistently show that between half and three-quarters of people oppose native forest logging, and those figures have increased since the terrible fires. People want politicians to protect our forests. They want to see sustainable jobs in the regions that protect and build on the natural assets, not destroy them for forestry operations that are often loss-making and cost New South Wales taxpayers money. I commend Ms Cate Faehrmann's motion and her contribution. I oppose the amendment moved by the Government.

**The Hon. PENNY SHARPE (18:23:50):** I speak in support of the motion moved by Ms Cate Faehrmann. I pause to reflect on the need to care for the planet and the biodiversity within it if we are serious about living here for a long time. The notes in the motion about the rate of clearing of important habitat that we need to sustain ourselves and millions of different animals and plants that live on the planet speak for themselves. The motion acknowledges the important changes that have happened at a more local level, including bushfires, floods, land clearing, climate change and human development, which are having an impact on our biodiversity. We have the unfortunate reality of knowing that in New South Wales over 1,000 species are currently at risk of becoming extinct. That is not making a contribution to preserving and looking after our biodiversity. I am proud to stand here as a Labor member and former shadow environment Minister. I have had the pleasure of looking through all of the work that Labor tried to do in government to deal with biodiversity to improve the chances and protect biodiversity.

In fact, it was such a priority for us that we believed it was one of the most significant challenges that we would have to face while in government. I am proud of our record of creating marine parks and national parks. We created over 122 national parks and saved some important areas, such as the rainforests in the north of the State. We created the Wilderness Act, the Threatened Species Conservation Act and took land clearing and its impacts on biodiversity and greenhouse gas emissions seriously. In fact, it was ultimately the changes in land clearing in Queensland and in New South Wales that meant Australia could meet its Kyoto Protocol targets. I know that the Government does not like part (e) of the motion and has moved an amendment. Labor will not support that amendment. Land clearing has increased. We could argue backwards and forwards about the reason for that but it is clear that we have weakened our laws, we have thrown threatened species legislation out the window and land clearing is happening at an increased rate that is unsustainable for biodiversity.

**Mr JUSTIN FIELD (18:26:56):** I speak in support of the motion. I thank the mover and the members who have contributed to the debate. It seems we have a consensus that we want to protect biodiversity in this State and that we call on the Government to do more. I acknowledge that previous governments have done important things to try to address the decline in biodiversity and to protect important areas of biodiversity, both on the Labor and Coalition sides. But let us be honest: We are losing this fight. Maybe we have done something to slow the decline but we are still going backwards. That statement is not outrageous; the evidence is there. There is a broad acknowledgement that we risk losing some iconic species to extinction in my lifetime—the impacts are not far off in the future.

I have walked out in some of the burnt areas—some extremely burnt and some not so burnt. I am still stunned at how deathly quiet it is out there. The number of species that have been lost and the number of ecological communities that have been damaged is beyond imaginable. It is difficult to see how they will recover. They certainly will not recover if we continue to allow the current levels of land clearing in the State and the logging of the last unburnt refuges, including in critical koala habitat. That is happening right now under decisions taken by the current Government. I understand why the Government has moved its amendments. I understand that it is not quite how the Natural Resources Commission presented the issue. I suggest a more appropriate amendment. I move:

That the question be amended by inserting in paragraph (1) (e) "approvals" after "land clearing".

That is in fact what has happened: clearing has increased, much of it unexplained, which means we are not quite sure if it was illegal or not. It is strange to me that whilst scientists are warning that their advice is being ignored on those issues, governments are standing next to scientists and health professionals and using their advice as cover for difficult decisions during the pandemic. That is important and it is good. There is wide community support for governments using expert advice. Let us do that as well when it comes to biodiversity. It is not just animals. It is the air we breathe and the water we drink. It is us.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I will now leave the chair. The House will resume at 8.00 p.m.

**Ms CATE FAEHRMANN (20:01:38):** In reply: I thank all members who have contributed to the debate on this motion. It has clearly shown that there is general support across all sides of politics to increase protections for threatened species and for biodiversity. I think the sticking point, though, is how we get there. I acknowledge the contribution of the Hon. Penny Sharpe in which she spoke about what the Labor Government did in reforming the native vegetation laws. When I started at the Nature Conservation Council I remember that back in 2003 and 2004 we were in the thick of a huge round of reforms around native vegetation, water management and a range of things and those changes to create the Native Vegetation Act were very welcome.

In relation to the contribution of the Hon. Catherine Cusack, I acknowledge that during the parliamentary inquiry into koala populations and habitat in New South Wales it became very evident that the honourable member is, indeed, very passionate about conserving biodiversity and protecting the environment in New South Wales and obviously has championed that within her party for many years. However, in regard to the Natural Resources Commission [NRC] report, I support the amendment proposed by Mr Justin Field to basically just state the facts that there has been a 1,300 per cent increase in land clearing approvals since those changes were brought about. In my consideration of the word "approval", I think at some stage that land is going to be cleared. If land clearing is approved, the land will be cleared.

I therefore do not support the Government's proposal to remove paragraph (1) (e), which draws attention to the extraordinary rates of land clearing in New South Wales. Land clearing is playing a huge part in the extinction crisis that New South Wales faces and the extinction crisis that we are contributing to globally. I urge the Government to accept the amendment, which is just to correct paragraph (1) (e) to put "approvals" before "land clearing". They are the facts. The Natural Resources Commission found that monitoring and compliance and a range of different issues with land clearing were of huge concern, but there is no time to go into that now. This is about the facts in the motion, that we all want biodiversity protection strengthened in New South Wales. I urge all members to support the motion.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Ms Cate Faehrmann has moved a motion, to which the Hon. Catherine Cusack has moved an amendment. I will put the Hon. Catherine Cusack's amendment first.

**Mr Justin Field:** I think the amendment that I put might best be considered first.

**The Hon. Catherine Cusack:** If Mr Justin Field does not mind, we will do it this way. It is going to flow better for us if we can do it this way.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** It is best done that way because that is the order in which the amendments were moved.

**The PRESIDENT:** The question is that the amendment of the Hon. Catherine Cusack be agreed to.

**The House divided.**

Ayes .....18  
Noes .....20  
Majority.....2

#### AYES

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

#### NOES

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

## NOES

Faehrmann

Pearson

## PAIRS

Khan

Houssos

**Amendment of the Hon. Catherine Cusack negatived.**

**The PRESIDENT:** The question is that the amendment of Mr Justin Field be agreed to.

**Division called for.**

**Call for a division, by leave, withdrawn.**

**Amendment of Mr Justin Field 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.**

Ayes .....18

Noes .....20

Majority.....2

## AYES

Boyd  
Buttigieg (teller)  
D'Adam (teller)  
Donnelly  
Faehrmann  
Field

Graham  
Hurst  
Jackson  
Mookhey  
Moriarty  
Pearson

Primrose  
Searle  
Secord  
Sharpe  
Shoebridge  
Veitch

## NOES

Amato  
Banasiak  
Borsak  
Cusack  
Fang  
Farlow  
Farraway (teller)

Franklin  
Harwin  
Latham  
Maclaren-Jones (teller)  
Mallard  
Martin  
Mason-Cox

Mitchell  
Nile  
Roberts  
Taylor  
Tudehope  
Ward

## PAIRS

Houssos

Khan

**Motion as amended negatived.**

*Documents***STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019****Return to Order**

**The CLERK:** According to resolution of the House of 16 September 2020, I table documents relating to an order for papers regarding the State Environmental Planning Policy (Koala Habitat Protection) 2019, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

**Claim of Privilege**

**The CLERK:** I table a return identifying 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.

**STRONGER COMMUNITIES FUND****Further Return to Order: Correspondence**

**The CLERK:** I inform the House that on 22 September 2020 an email from the Hon. John Graham regarding the response to the further order for papers relating to the Stronger Communities Fund queried why letters of certification were not received from all Ministers and departments to whom the order had been directed, and also reiterated the requirement for the documents subject to the order to be produced.

**Correspondence**

**The CLERK:** I table the response from the Department of Premier and Cabinet advising that when the House passes a further order, the department only refers the order to the department holding the documents. Further, that all documents legally required to be provided and falling within the scope of the order were provided to the House in response to the previous order.

*Committees***SELECT COMMITTEE INTO THE GREYHOUND WELFARE INTEGRITY COMMISSION****Establishment and Membership**

**The Hon. ROBERT BORSAK:** I move:

That private members' business item No. 775 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ROBERT BORSAK (20:25:12):** I seek leave to amend private members' business item No. 775 outside the order of precedence for today of which I have given notice by omitting in paragraph 1 (f) "the effectiveness of the Commission" and inserting instead "the actions, conduct and effectiveness of the Commission and GRNSW".

**Leave granted.**

**The Hon. ROBERT BORSAK:** Accordingly, I move:

- (1) That a select committee be established to inquire into and report on the Greyhound Welfare Integrity Commission (the Commission) as the independent regulator of the greyhound industry in New South Wales, and in particular:
  - (a) the policies, procedures, mechanisms, and overarching principles of the Commission in relation to industry participants;
  - (b) the appropriateness of disciplinary action for those industry participants breaching legal requirements as set out by the Commission;
  - (c) the options for appeal by industry participants who breach legal requirements as set out by the Commission;
  - (d) the combined relationship of the Commission, the industry operator Greyhound Racing NSW, and industry participants in relation to the overall greyhound racing industry;
  - (e) the existing funding agreement between the Commission and Greyhound Racing NSW with a view to considering recommended options;
  - (f) the actions, conduct and effectiveness of the Commission and GRNSW, in particular in relation to its role in improving the welfare of greyhounds; and
  - (g) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of eight members comprising:
  - (a) three Government members;
  - (b) two Opposition members; and
  - (c) three crossbench members, with one being Mr Borsak and one being Ms Boyd.
- (3) That the Chair of the committee be Mr Borsak and the Deputy Chair be Ms Boyd.
- (4) That, unless the committee decides otherwise:
  - (a) submissions to inquiries are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
  - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
  - (c) the sequence of questions to be asked at hearings is to alternate between Government, Opposition and crossbench members, in order determined by the committee, with equal time allocated to each;

- (d) transcripts of evidence taken at public hearings are to be published;
- (e) supplementary questions are to be lodged with the committee clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
- (f) answers to questions on notice and supplementary questions are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

I am pleased to move the motion that seeks to establish a select committee to inquire and report on the Greyhound Welfare and Integrity Commission [GWIC]. Greyhound racing has undergone many changes and reforms since 2016, one of those being the introduction of the Greyhound Welfare and Integrity Commission, established under the Greyhound Racing Act 2017. I have spoken many times about GWIC in this place. As there have been a few, we will call them teething issues with the commission and how it operates. There have not been many positive experiences with GWIC from stakeholders and participants. Trainers, breeders and stewards alike are somewhat bewildered and disillusioned with how GWIC functions and treats them.

The participants and stakeholders have been deprived of any consultation on how their industry should operate. The *NSW Greyhound Welfare Code of Practice* was overly prescriptive and caused a level of unease within the industry. Many in the industry fear that GWIC has the monopoly on advice and submissions and is overreaching its original intent. I believe an inquiry into the operations will help to relieve some of the concerns that many have. As stated in paragraph (1) of the motion, the inquiry will look at:

- (a) the policies, procedures, mechanisms, and overarching principles of the Commission in relation to industry participants;
- (b) the appropriateness of disciplinary action for those industry participants breaching legal requirements as set out by the Commission;
- (c) the options for appeal by industry participants who breach legal requirements as set out by the Commission;
- (d) the combined relationship of the Commission, the industry operator Greyhound Racing NSW, and industry participants in relation to the overall greyhound racing industry;
- (e) the existing funding agreement between the Commission and Greyhound Racing NSW with a view to considering recommended options;
- (f) the actions, conduct and effectiveness of the Commission and GRNSW, in particular in relation to its role in improving the welfare of greyhounds; and
- (g) any other related matter.

The over-policing of the industry has become a major deterrent for many in the sport. There is genuine fear that the industry is being zealously over-regulated and the breaches and decisions may be unfair. I have received many complaints about basic administrative errors taking place and, as a result, participants are continually issued with breaches with no option for appeal. In other words, in many cases they are required to cop a plea or get a lifetime ban. It is my hope and the hope of many who support the motion that the inquiry will go some way into clarifying and alleviating many of those concerns and ensuring that the greyhound racing industry achieves the highest levels of welfare for their much-loved dogs.

**The Hon. MARK LATHAM (20:28:29):** One Nation supports the motion on the basis that the Greyhound Welfare and Integrity Commission [GWIC] has become a dangerous organisation; it is now dedicated to destroying the greyhound racing industry methodically and slowly. We have seen that recently with the overreach and misuse of powers concerning knacker meat. We have seen it with a whole range of complaints, divisions, management problems, overspending—a litany of errors that have come out of GWIC, which will be well exposed by the committee, which has been proposed by my colleague the Hon. Robert Borsak. The committee is much needed. Even if you are on the side of animal welfare, you would want GWIC to be managed a lot better than it is at the moment.

The truth is that people racing their dogs deserve hope in life. The vast majority of people in the industry love their dogs. The industry should never have been closed down in the first place. One of the culprits, Troy Grant, has now left the National Party. Isn't that great news for a party that would have always stood for the racing of animals in the bush, which gives people hope and social activities, and gives many of those animals a better existence than they otherwise would have had? The truth is that when the McHugh report was released, you only had to read it for an hour or so to realise that it was going to lead to the extermination of the greyhound as a species.

**The Hon. Mark Pearson:** Hear, hear!

**The Hon. MARK LATHAM:** The Animal Justice Party member said, "Hear, hear!" to the proposition that greyhounds would be exterminated as a species. I do not know how that is animal justice. Maybe he misheard me; endorsing that comment is one of the weirdest things I have heard in the Chamber. Does the member really want to exterminate the greyhound? The greyhound was bred to race and if there is no racing, there is no greyhound. You can say that a couple of people in apartments will rehome the greyhounds, but that will last for 10 minutes and then they will be gone. Earlier today we had a question from The Greens about the social licence. What is the social licence? That question has been asked in other quarters and it is a very good question. Where did the social licence come from?

The first I read of it was in the McHugh report. I am sure there would have been a lot of greyhound owners saying, "Hang on, I have lost the social licence I never knew I had." Who issued the social licence? Who handed it out? Did Victor Dominello digitise the social licence? Is it something we can get at Service NSW? It has never existed. It was a figment of the imagination of Michael McHugh that control freaks have grabbed hold of and used to say, "If we issue the licence, we control these people." Well, there is no such thing as a social licence. There is the love of the dog. There is the hope of racing your dog, enjoying that activity, looking after those animals and ensuring that a punitive, draconian outfit like GWIC is pulled back into line. I am sure that will be the outcome of the committee that has been so moved.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:31:42):** Thank you, Mr Assistant President, for your indulgence and the social licence that I have to be here in the Parliament to express the views of the Government on this issue. My first observation is a general one about the number of committees that are conducting inquiries and the workload imposed on the staff of this place. Here is another one: There was opportunity to have referred the matter to another committee for determination. I do not necessarily deny that the issue needs to be ventilated; I am concerned about the formation of just another committee. Here we go again with more workload for the people of this place and this Chamber to conduct another inquiry.

Many of the members and the staff of this place are already overburdened with the number of inquiries that they are currently doing. The Government's reservations about the establishment of another committee is based purely upon the strain on the resources of this place. However, I can count. I know where the numbers are going to be. I have been through a very quick learning process in this place. I made an observation to someone earlier that when I was in the other place I never lost a vote. I have come here and there are those on my side who reckon that I am the problem; I do not think I am the problem. I have learned to count in a hurry and I do not think we have the numbers. The Government will not be opposing the motion.

**The Hon. PENNY SHARPE (20:34:00):** I indicate briefly that Labor will support the establishment of the committee.

**The Hon. Walt Secord:** Down the home stretch!

**The Hon. ROBERT BORSACK (20:34:11):** In reply: Down the home stretch—no more. I commend the motion to the House.

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

**Motion agreed to.**

#### *Documents*

### **GOVERNMENT SECTOR STRATEGIC ASSET MANAGEMENT PLANS**

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

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

That private members' business item No. 780 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (20:35:33):** 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 Government:

- (a) all Strategic Asset Management Plans (however described) of, or applicable to, public service agencies (excluding the Transport cluster) as set out in schedule 1 of the Government Sector Employment Act 2013; namely, departments, executive agencies related to departments, and separate agencies; and all State owned corporations;
- (b) the Asset Management Plans (however described) of, or applicable to, public service agencies (excluding the Transport cluster) as set out in schedule 1 of the Government Sector Employment Act 2013; namely, departments, executive agencies related to departments, and separate agencies, and all State owned corporations;

- (c) the Asset Register (however described) of, or applicable to, public service agencies (excluding the Transport cluster) as set out in schedule 1 of the Government Sector Employment Act 2013; namely, departments, executive agencies related to departments, and separate agencies; and all State-owned corporations; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will not weary the House at this late hour. The issue has been well-canvassed in this place, if only because a point of order was taken on the motion and ruled upon by the President. Essentially there are something like seven calls for papers already on the *Notice Paper* that relate to the same matters as they each relate to a different cluster. The motion would take seven of those items off the business paper by condensing them thematically. The House will be cognisant of the fact that it has compelled the production of those registers and plans relating to the transport and roads cluster. That has produced a cornucopia of very valuable information, which has enabled the Opposition to establish a \$13 billion gap in the Government's road funding budget. That would not have come to light without this House's ability to compel the production of those documents. We seek documents from the other agencies in the other clusters. We have done so in a condensed form so that hopefully the House does not have to consider seven different but essentially similar calls across the public sector.

The documents are important because they will shine a light on exactly where the Government is at in terms of maintaining and replacing various forms of public infrastructure. That is an important matter going to the finances of the State and the delivery of the Government against a host of election and out-of-election cycle commitments made to various communities. It is invaluable to hold the Government to account for those commitments, and also to better evaluate the health of various budgets, and the times and ways in which delivery is either occurring or not occurring. I note that the Hon. Mark Latham has been a staunch defender of western and south-western Sydney and has recently drawn the attention of the House to the Government's non-delivery on a whole range of areas—for example, in the transport space. We are not going to be able to get a proper handle on what the Government is not doing without this particular call for papers. I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:38:06):** If I were in Opposition I would probably be saying exactly the same sorts of things.

**The Hon. Adam Searle:** You guys did. Fair call?

**The Hon. DAMIEN TUDEHOPE:** I am saying that one can make a cogent case on each individual call for papers the way the Opposition does. Opposition members say that it is all about transparency in Government and that they want to show that there is a shortfall in funding, or whatever it is. We get all those documents, but the cumulative effect on the proper governance of the State has to be considered. I have made this point time and time again, but let us look at this one. There are seven calls for papers wrapped into one; I accept my friend's assessment that they are all now bundled together. Notice of motion No. 780, which was in exactly the same terms, was delivered for the transport asset management plan. In relation to the transport cluster, the six agencies returned 19 boxes of documents in response to that notice of motion. That is just over three boxes per agency in the transport cluster. On the basis of that, the 50 agencies covered by the motion—the motion is directed to the Government so it is all the other agencies—

**The Hon. Adam Searle:** I will come back to that.

**The Hon. DAMIEN TUDEHOPE:** No, I am not criticising the wording of the motion. It is directed to the Government, so the process will sweep all the agencies for their asset management plans. If the ambit of the call for papers is all those other government agencies—50 agencies, excluding Transport for NSW—covered by the Government Sector Employment Act 2013 plus eight statutory State-owned corporations then, on the assumption that each agency will produce three boxes of documents, the order would return 174 boxes of documents, which would be the second highest return since 2018. As there are approximately 300 pages per box, the Government anticipates that 52,200 pages of documents would be returned pursuant to the order. The Opposition's rationale for seeking the order is to identify the funding shortfall. I will tell you where the funding shortfall comes from: It results from the time that public servants spend complying with these sorts of orders. At some point that must stop.

**The Hon. MARK LATHAM (20:41:08):** The Hon. Adam Searle mentioned me in his contribution. I say to the Opposition: I do not need to sit in a room full of boxes on the eighth floor going through dusty papers to know what the Government is not doing in south-west Sydney. It is not building the fast rail from Badgerys Creek to the centre of Sydney, thereby running the risk of creating a white elephant airport. It is not building any community health centres, despite the massive population growth. None have been built this century. It is not even allocating the land at the aerotropolis for the new public hospital. Construction of the third children's hospital should be underway in what they call the "Western Parkland City" but no capital funding and no land has been



allocated for it. It is not building public schools of adequate size. Look at the debacle at Oran Park Public School, which has more demountables than Manus Island.

The Government is not even acting on the announcement made by the education Minister after the last election to build a new selective high school in south-west Sydney. Do members remember that announcement? The Hon. Walt Secord made a very fine speech in support of selective high schools. I had high hopes that we would get that extra selective high school in south-west Sydney. How hard is it to locate a suitable greenfields site within walking distance of Leppington train station? Nothing has happened in nearly 18 months. The Government's deficiencies are well established. I agree with the Minister's passionate and committed plea. It was Kevin Rudd-style rhetoric, "This reckless spending must end. This reckless search for papers must end." At the end of the day, I do not envisage that the Labor Party's electoral strategy will be to sit on the eighth floor poring over documents when it could be writing documents like its health, education or transport policy. I have not heard a lot about those. I have heard a bit of economic policy but not much in those other areas.

The deficiencies are well known and I urge the major parties to act on them. If the Government announces a selective high school, it should go out and find a site and start building it. Hundreds and thousands of people are slated to move into western Sydney; bright kids, aspirational families and Asian parents dedicated to pushing their kids hard on homework and almost dying to get their kids into a selective high school. The Government should not let them down by announcing it and then doing nothing for 18 months. It should get on with the job. The problem in this Chamber is not a lack of information; it is a lack of commitment, energy and power to get on with the job of helping people in practical ways. This House has many talented members but if they wait for Jim Betts and Mark Scott to tell them what to do, they will not get out of bed in the morning. The Government must get on with the job.

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

**The House divided.**

*[In division]*

**The PRESIDENT:** I remind members of safe distancing requirements. Only five members should be in the public gallery on my left. Seven members are there, which is two too many. On the next occasion members must ensure they stand where indicated by a yellow marker. Members should not be there if there is no yellow marker.

Ayes .....20  
Noes ..... 18  
Majority.....2

#### AYES

Banasiak  
Borsak  
Boyd  
Buttigieg (teller)  
D'Adam (teller)  
Donnelly  
Faehrmann

Field  
Graham  
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

Mason-Cox  
Nile  
Roberts  
Taylor  
Tudehope  
Ward

#### PAIRS

Houssos

Mitchell

**Motion agreed to.**

*Business of the House***POSTPONEMENT OF BUSINESS**

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

That private members' business item No. 795 be postponed until the next sitting day when private members' business takes precedence.

**Motion agreed to.**

*Documents***ENERGY INFRASTRUCTURE****Production of Documents: Order**

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

That private members' business item No. 781 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK BUTTIGIEG (20:54:29):** 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 Ausgrid, Endeavour Energy, TransGrid, Essential Energy, the Department of Premier and Cabinet, The Treasury, the Treasurer or Minister for Energy and Environment relating to electricity leases and energy operations:

- (a) all current lease agreements between the Government and Ausgrid, Endeavour Energy and TransGrid;
- (b) all documents, including correspondence, created since 1 January 2018 relating to any proposal or consideration of the further sale or lease of the Government's ownership of Ausgrid, Endeavour Energy and TransGrid;
- (c) all documents, including correspondence, created since 1 January 2018 relating to any proposal or consideration of the sale or lease of the Government's ownership of Essential Energy;
- (d) all suicide prevention policies and initiatives of Ausgrid, Endeavour Energy, TransGrid and Essential Energy created since 1 July 2014; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

**The Hon. Damien Tudehope:** Point of order: The motion as drafted is directed to organisations including Ausgrid, Endeavour Energy, TransGrid, Essential Energy, and a number of government agencies that include the Department of Premier and Cabinet, the Treasury and the Treasurer or Minister for Energy and Environment. I do not quibble with a motion directed to government agencies. However, I quibble with a motion directed to organisations that are not government agencies and which should not fall within the ambit of a Standing Order 52 motion.

**The Hon. Adam Searle:** To the point of order: The motion is entirely in order. Those of us who campaigned at the 2015 election and debated in this House over many hours and days the electricity transactions legislation will well remember that members opposite denied that they were selling the assets. They made the point that the State Government of New South Wales at all times remained the legal owner and that this was merely a 99-year lease. If that is true and what they told the Parliament is correct then, in fact, all of those bodies remain government assets and bodies; it is simply that the operation and the right to the revenue has been contracted out. They remain in public hands. If the member wants to stand at the dispatch box and tell this Chamber that the Government lied five years ago, that it defrauded the Parliament as well as the electorate, I welcome that submission. I look forward to the Government coming clean on that transaction fraud, as we call it. But I do not think it will.

For the sake of argument, let us assume that we were correct and it was a privatisation, that the Government does not fully own the assets. The Government is still the 49.5 per cent owner of most of those assets, leaving aside TransGrid. The Government therefore remains the legal owner of a substantial portion and would have the right as the remaining owner to that information. In fact, it should possess the information in any case. I do not think we need to get to that second part because the established legal position is that the Government remains the owner of those assets. Even for TransGrid, although it has been 100 per cent leased for 99 years, which we accept is effectively a sale and privatisation and an alienation of a public asset, the technical legal point is that it remains in government ownership. The point of order is spurious and designed to waste time.

**The Hon. Trevor Khan:** To the point of order: My friend is as eloquent as ever but he misses the point. It is not the status of the asset, it is whether the papers that are sought are government papers. That is the point at

issue. He can seek to rewrite the history of 2015 or we could go back to the gentrader transactions, which he seems to conveniently forget. The question is whether the papers can be defined as Government papers. That is the essential question because that is what a Standing Order 52 motion is related to.

**The Hon. Daniel Mookhey:** To the point of order: It might assist the President in making his ruling to firstly distinguish between Essential Energy and the others. There is no dispute that Essential Energy is a government-controlled entity. It is 100 per cent a State-owned incorporation. That is the first point I make. The second point is that in respect of the residual interest that my colleague the Hon. Adam Searle referred to, Ausgrid, Endeavour Energy and TransGrid have a slightly different status, but Ausgrid and Endeavour Energy have 49.5 per cent.

In direct reply to the Hon. Trevor Khan's submission that 49.5 per cent interest is held through what is called the Treasury commercial framework and it is held in Treasury holding company interests as well, therefore it is reasonable to assume, for the purposes of the member who is moving this motion, that they are, in fact, papers that are under the control, custody or possession of the Government. Furthermore, in the event they are not, the appropriate thing to do would be for those agencies, in complying with the order, to point out that they do not have any such papers, if that is their view.

In taking a point of order the Minister's submission is that there is a procedural bar on the House asking for the papers. The Minister has not adduced precisely why the House does not have the power to ask for the papers. It is a totally different question from whether the papers are under the control of the Government. If the Government and the Executive say there are no such papers that are returnable, that is one thing and it will lead to a different course of action afterwards. But it is well within the established precedent of the House to ask for the papers of a residual interest in State-owned corporations. We did that in relation to WestConnex—there is great precedent in that respect—and there are some parallels to the situation with icare, which is a slightly different category of State-owned corporation.

The key phrase here is "in the possession, custody or control" and it is within our power to seek that from State-owned corporations and from entities that have a residual interest. Whether or not the papers can be returned or exist is a separate question, but it is well within the power of this House to ask, and there is a distinction that should be drawn between the power to ask and the obligation to comply.

**The PRESIDENT:** Will the Minister clarify one point for me? I am happy to be corrected, but my recollection is that 49.5 per cent was leased and 50.5 per cent was retained. Do I have it the wrong way around?

**The Hon. Adam Searle:** Further to the point of order: I think it works this way: Essentially it is 100 per cent of TransGrid and 49.5 per cent of the others.

**The Hon. Damien Tudehope:** Further to the point of order: That is the crux of my submission, as eloquently as that was put. They do not have the control of those entities, notwithstanding they have a residual interest in them. One cannot quibble with the Standing Order 52 request addressed to Treasury and the Department of Premier and Cabinet, but TransGrid—it is a perfect example—is 100 per cent privately owned, so how does one address an order to that entity? I accept the point made in relation to Essential Energy—that it is a State-owned corporation. But in respect of the others, they are either 100 per cent or less than a controlling interest. The point made by the Hon. Trevor Khan is entirely right: The entity that controls the delivery of the power is less than 50 per cent retained and in those circumstances they are not government entities.

**The PRESIDENT (21:03:27):** I have heard enough. This point of order raises an interesting issue. The question is whether Standing Order 52 can be used to require papers to be produced when a utility is partially government owned and partially a private entity. Clearly, if an order is directed to a private corporation, any documents requested could not be said to be "State papers", and, as such, the Egan cases provide no authority to compel production. If a State agency has a small non-controlling interest in a private entity I would expect the same principle would apply. This order seeks documents from the Department of Premier and Cabinet, the Treasury, the Treasurer and the Minister for Energy and Environment. Papers held by these agencies, even if they originated in a private corporation, are clearly required to be produced in the usual manner, and I note that the Minister has acknowledged that. However, the order is also directed to Ausgrid, Endeavour Energy and TransGrid.

The New South Wales Government has partially leased out electricity network assets but is still the effective owner of the assets—or at least retains significant interests in them. The relevant Acts are the Electricity Network Assets (Authorised Transactions) Act 2015, the Electricity Retained Interest Corporations Act 2015 and the Electricity Supply Act. The Electricity Network Assets (Authorised Transactions) Act 2015 enables the transfer of electricity network assets to the private sector provided they are transferred by lease, the initial term does not exceed 99 years and the private sector's interest in the State electricity network assets does not exceed 49 per cent. Under the Electricity Supply Act, the Minister has "step in" rights and may issue a Network

Administration Order if the network operator's licence has been cancelled, or the Minister is satisfied that the network operator has contravened a provision of this Act or the regulations or a condition of the licence.

The Minister also has the power to conduct or require an audit to be conducted to determine whether a distributor, retailer or exempt person has complied with a Social Programs for Energy Code pursuant to section 27 of the Electricity Supply (General) Regulations 2014. The licensee must comply with certain conditions regarding pricing of electricity services and the Treasurer has responsibility for publishing reports of the tribunal determinations under the Act. The tribunal must provide an annual report to the Treasurer outlining the compliance of licensees with conditions imposed under the Act, which must be tabled in both Houses of Parliament. The Minister may impose conditions on licensees in regard to indemnity, insurance and probity, and can take action under the Act for non-compliance. An independent audit must also be conducted at the end of every financial year to audit the licence holder's performance.

Under section 12.4, the licence holder must notify the tribunal, in accordance with any reporting manuals issued by the tribunal, of any significant changes it proposes to make to its asset management system or environmental management system. All of this indicates that the Government has certain powers to direct the network operators to do certain things. This may or may not amount to enabling the Government to require or direct the entities to provide the documents requested in the current motion by the Hon. Mark Buttigieg. The entities are not government agencies or statutory authorities, but have some of the obligations of such agencies. Therefore, this is a difficult area and the position would appear to be ambiguous. I do not wish to restrict the rights of the House to agree to this motion, if it wishes.

In previous rulings I have quoted page 38 of the fourteenth edition of *Odgers' Australian Senate Practice*, which states that when there is any doubt as to the interpretation of a rule or order, the President, as the independent and impartial representative of this House, leans towards a ruling that preserves or strengthens the powers of the House and rights of all members rather than an interpretation that may weaken or lessen those powers and rights. If this motion is passed, the response in relation to documents currently only held by Ausgrid, Endeavour Energy and TransGrid is a matter for those entities to clarify with their own legal advice. I am not prepared to rule the motion out of order. Debate on the motion may proceed.

**The Hon. MARK BUTTIGIEG:** I thank my colleagues and those opposite for participating in debate on the points of order. In the context of some of the previous arguments that have been made against Standing Order 52 requests—the standard rollout ones, such as it would require tonnes and tonnes of resources, reams of paper, human resource cost and all the rest of it—this is quite a modest ask. We are not asking for boxes upon boxes of Standing Order 52 returns. I will go through them. Paragraph (a) asks for current lease agreements between the Government and Ausgrid, Endeavour Energy and TransGrid. That cannot be too hard. We are talking about lease agreements—how many boxes will that fill up? One-tenth maybe. The resource argument goes out the door. Similarly, paragraph (b) states:

- (b) all documents, including correspondence, created since 1 January 2018 relating to any proposal or consideration of the further sale or lease of the Government's ownership of Ausgrid, Endeavour Energy and Transgrid.

Those are matters of public interest. There has been active consideration of the further sale of those assets on record. Members should all agree that the New South Wales public deserves to know whether or not the remaining portion of those assets are being considered for sale. The Government ran a campaign to try to propagate the argument that it is not selling the asset, but that it is leasing out 49.5 per cent of the asset and that it still retains control of the asset. If that is the case, Labor wants to see the documents that may have considered the further sale, because that would constitute a broken election promise. These are not voluminous requests. The Opposition is asking for records of discussions that may have occurred around a sale. Labor is not asking for boxes upon boxes of documents. It is a couple of documents at most. Paragraph (c) states:

- (c) all documents, including correspondence, created since 1 January 2018 relating to any proposal or consideration of the sale or lease of the Government's ownership of Essential Energy.

This is the same request, although it was worded slightly differently because Essential Energy is 100 per cent government owned. At paragraph (d), Labor seeks all suicide prevention policies from Ausgrid, Endeavour Energy, Transgrid and Essential Energy, because those institutions have experienced thousands upon thousands of job losses. People are suffering from psychological stress and job insecurity, and the Opposition has evidence to indicate the suicide rate has gone up dramatically. Labor members want to know what those entities, which still have a responsibility to the Government, are doing to prevent suicide, which is more than reasonable. The old chestnut about reams and reams and boxes and boxes of papers does not cut it. The House should support the motion because it is in the public interest.

**The Hon. MARK LATHAM (21:11:26):** One Nation opposes the motion mainly because the House is calling for documents from predominantly private entities. We might as well call on Coles, Woolworths, Bunnings

and all sorts of transport companies. In many respects, I would love to see documents from Qantas, but it is beyond the power and scope of the Chamber. I return to my earlier point regarding the difference between sitting in a dusty room wading through boxes of paper and making public policy or public interest statements. At paragraph (d) of the motion, the Hon. Mark Buttigieg is concerned about suiciding unemployed workers. Would one not stand up and move a motion regarding the need for extra health resources to be provided by the New South Wales Government to save those lives? Instead, on that life and death issue, we are going to wait 21 days to get the documents, some of which will be privileged and may have to be unprivileged. This is a question of suicide.

The response to suicide is a call for documents, as opposed to moving a motion or making a speech to highlight the problem and then making representations to the health Minister and the mental health Minister. I have not heard a single question to the Hon. Bronnie Taylor about the issue of workers dying. I cannot believe the Labor Party. It beggars belief. The Labor Party is concerned about unemployed workers dying, but has not raised a single question to the Minister on the other side of the Chamber. Instead, an Opposition member has moved a call for documents from private entities to see what they have. Maybe they have nothing, maybe they have something. In 21 days we will find out, and then begins the process of looking through the documents and making a judgement about suicide. I cannot believe that is the way the modern Labor Party would go about such an important issue. If there is a single worker who is at risk of suicide, the member should raise it directly with the Minister in the Chamber in a substantive way.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:13:51):** The further call for papers under Standing Order 52 is an attempt to force agencies, over which the Government has no control, to produce documents in their possession. This is a fishing expedition of the worst kind. I completely endorse the observations made by the Hon. Mark Latham that there is no policy over there. The Opposition wants to find a document so that it can commence a media campaign or make some sort of criticism. The Labor Party should get out there, develop a policy and tell us where the gap exists. That is the sort of stuff that the Opposition has no capacity to do. Labor abuses this place by saying that this is all about collecting documents to be placed on Level 8 of Parliament, but this is an abuse of process. In fact, the member gives himself away. As soon as someone starts to say they "just want to see", one wonders what this is about. What does the member want to see?

The call for papers will only produce more documents for the "Mookhey-looky wing", where the documents will accumulate for someone else to go through. The allegation that there are not boxes and boxes of paper shows that the Hon. Mark Buttigieg frankly does not know. He cannot say that there are no documents when he comes here requesting those documents; he does not know what that involves. In fact, the member now says Labor wants other non-government agencies to be involved in the grab for documents. It is not only taxpayers' money that will be involved, but it is also consumers' money, because the dollars that have to be spent come from everyone's electricity bills. That is the sort of expense that the Opposition wants to put those entities through. Quite frankly, the Government ought to say enough is enough. There ought to be rules that members must abide by before they come to the House asking for papers. Members must establish a prima facie case that makes the production of papers necessary so that there are no more fishing expeditions, which this is.

**The Hon. MARK PEARSON (21:16:41):** I was in the House on the many nights during which we dealt with the cognate bills that basically sold off our power to private companies—those debates went on forever. Energy is one of the essential necessities of life. It was shocking to realise that the Government was willing to sell to private companies a resource that is essential to life. In an attempt to reduce the impact on the workers, Reverend the Hon. Fred Nile sought a guarantee from the Government to protect workers and to guarantee that any sackings or loss of jobs would not occur for a considerable time, but the Government did not honour that guarantee.

**The Hon. Damien Tudehope:** Point of order: I am happy to have a history lesson, but the member's contribution must go to the motion and must relate to why it is necessary for the documents to be produced. A history lesson on what occurred during the time of the sale of the assets is outside the ambit of the motion.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I draw the Hon. Mark Pearson back to the motion.

**The Hon. MARK PEARSON:** Basically, the documents are being called for to find out what happened, as a consequence of the Government bills, to all of the employees, and to the supply and affordability of energy. Returning to the mental health issue, the call for papers is not about people who are acutely mentally ill or in danger of harming themselves. That goes to the very substance of the call for papers. If members seek a report on the impact on the workers, including on their mental health and suicidality, which is listed in the call for papers, then the call for papers relates to the consequences of the decision of the Government to introduce and pass those bills. I support the motion.

**The Hon. SCOTT FARLOW (21:19:20):** I speak in opposition to the motion of the Hon. Mark Buttigieg. I associate myself with the comments of the Leader of the House in outlining that it effectively calls for documents

from organisations that the Government does not control. As has been referenced when it comes to Ausgrid and Endeavour Energy, these are not entities that the Government controls. The Government controls something quite separate to that: the Electricity Retained Interest Corporation-Ausgrid. It is not a government-controlled entity. There are separate entities that control the Government interest in these entities, so the Government cannot possibly provide this.

The Opposition acknowledged in the debate before that TransGrid needed to be removed because it is not controlled by the Government, but that is in this notice of motion. How can the Government possibly act on what is outlined in this notice of motion? How can the Government come forward and provide documents on entities that it has no control over? If the House is going to waste half an hour in these sorts of debates, I recommend that we follow what the Hon. Mark Latham has said and turn our minds to other things. I note that the Hon. Mark Latham is walking into the Chamber saying, "true, true, true", although probably not to my comments.

We should turn our minds to matters of public policy as the Hon. Damien Tudehope has outlined. If we want to talk about mental health issues, we should be debating mental health issues rather than going on a fishing expedition. In this case, effectively, we are not even dipping the boat into the water because we just cannot do that. The motion of the Hon. Mark Buttigieg does not show the House at its best and I will be opposing it on those grounds. If we are to look at what this State has been able to achieve, as the Hon. Mark Pearson was talking about before, from the 99-year lease of our electricity assets, when we look at COVID and the position New South Wales is in, thank God this House made that determination.

We now have a \$100 billion infrastructure pipeline, which is in part thanks to making those into productive assets, a productive investment that can be used in New South Wales to get people back to work and back into jobs. That is what is keeping our economy going and that is what will keep our economy going into the future. Trawling exercises like this are not going to help New South Wales get back to work. We should be having proper debates in this House, as have been outlined by the Leader of the House and the Hon. Mark Latham, about public policy and how we can create and keep people in jobs, rather than going through a fishing expedition where this House cannot possibly get the documents that the Hon. Mark Buttigieg seeks to obtain.

**The Hon. MARK BUTTIGIEG (21:22:23):** In reply: I will address some of the arguments put by those opposite. The Government would do well to read the pronouncements of its own Ministers who were responsible for this at the time. For example, on 26 May 2015 the then Treasurer, the Hon. Gladys Berejiklian, highlighted in the second reading speech on the Electricity Network Assets (Authorised Transactions) Bill 2015 and the Electricity Retained Interest Corporations Act 2015 that the Government retains oversight. She said:

The Electricity Retained Interest Corporations Bill 2015 will facilitate effective stewardship and oversight of the retained interest of the State in Ausgrid and Endeavour Energy.

Is that not ownership? Does the Government have nothing to do with these places? The Opposition wants the people of New South Wales to have access to lease documents, discussions about potential sales and suicide prevention policies, and these clowns tell us that they do not have anything to do with them. They are directly contradicting previous Ministers.

**The Hon. Wes Fang:** Point of order: The Hon. Mark Buttigieg is reflecting on a number of members of this House by using that term. I ask that the Assistant President demand that he withdraw it and issue an apology to those on this side of the House.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** I do not uphold the point of order. The Hon. Mark Buttigieg did not direct his comment to any particular individual in the Chamber. I will not ask to him withdraw the comment..

**The Hon. MARK BUTTIGIEG:** The quote continues:

Through these corporations the State retains effective stewardship and oversight ...

On 27 May the Hon. Mike Baird reiterated that in his speech regarding electricity network assets. He said:

What is important in this legislation is that the Government will undertake a 99-year lease of 49 per cent of the networks. It will continue to hold at least a 51 per cent interest in the networks ... The State retains ownership of the assets ... There will be new step-in rights and stronger enforcement powers for the energy Minister, and tougher penalties.

The message these Ministers were trying to communicate to the people of New South Wales was, "We are not really selling it. We are leasing it so we can get the money but we will retain control." The Premier has been pleaded with to reduce youth suicides. We are asking for the strategies these entities, which the Government still has an interest in, have done about it because the suicide rate has gone up dramatically. We have reporting to show that that is the case. This is a valid Standing Order 52. It should be supported. [*Time expired.*]

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

**The House divided.**

Ayes .....20  
 Noes .....18  
 Majority.....2

**AYES**

Banasiak  
 Borsak  
 Boyd  
 Buttigieg (teller)  
 D'Adam (teller)  
 Donnelly  
 Faehrmann

Field  
 Graham  
 Hurst  
 Jackson  
 Mookhey  
 Moriarty  
 Pearson

Primrose  
 Searle  
 Secord  
 Sharpe  
 Shoebridge  
 Veitch

**NOES**

Amato  
 Cusack  
 Fang  
 Farlow  
 Farraway (teller)  
 Franklin

Harwin  
 Latham  
 Maclaren-Jones (teller)  
 Mallard  
 Martin  
 Mason-Cox

Mitchell  
 Nile  
 Roberts  
 Taylor  
 Tudehope  
 Ward

**PAIRS**

Houssos

Khan

**Motion agreed to.***Bills***LIQUOR AMENDMENT (24-HOUR ECONOMY) 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 a later hour.

**Motion agreed to.***Motions***WORLD SQUASH DAY**

**The Hon. SAM FARRAWAY:** I move:

That private members' business item No. 792 outside the order of precedence be considered in a short form format.

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

**Motion agreed to.**

**The Hon. SAM FARRAWAY (21:36:19):** I move:

(1) That this House notes that:

- (a) 10 October 2020 is World Squash Day;
- (b) the first World Squash Day event took place on 11 January 2002, launched in honour of Derek Sword, a former Scottish junior international squash player who was killed in the 9/11 terrorist attacks on New York;

- (c) World Squash Day 2020 aims to create the biggest social media campaign in the history of squash to relaunch and reinvigorate the game following the devastating effects of the COVID-19 pandemic;
  - (d) squash is played in over 150 countries by 20 million people, with over 300,000 competitive players registered across Australia;
  - (e) COVID-19 has taken a toll on many local sporting codes, including local squash clubs and now that they are able to open again, we should support their efforts to rebuild memberships; and
  - (f) as local squash clubs are now able to open again, we should support their efforts to rebuild memberships and get New South Wales active again.
- (2) That this House wishes all participants in World Squash Day events across Australia, and Australians competing elsewhere in the world the best of luck.

I speak today about something that everyone in this Chamber and across our communities should get involved with. I am talking about World Squash Day, which falls on Saturday 10 October this year. The first World Squash Day event took place on 11 January 2002. It was launched in honour of Derek Sword, a former Scottish junior international squash player who was killed in the 9/11 terrorist attacks on New York. His friends wanted to commemorate his love for squash and also give back to the community. This is when World Squash Day was born. World Squash Day 2020 aims to create the biggest social media campaign in the history of squash to relaunch and reinvigorate the game following the devastating effects of the COVID-19 pandemic. By using the world's top players, social media and some of the world's most popular landmarks, World Squash Day aims to connect professionals and grassroots clubs like never before with 24-hour streaming of events worldwide.

Players representing clubs and federations will be hitting balls in public settings close to some of the world's most iconic buildings. This has never been done before. Many of the members in this Chamber might think that squash is uncool, with men in high-waisted white shorts and sweatbands, or they may prefer racquetball or tennis. I am here to change their minds and challenge them to give squash a go. "Why would we give squash a go?", I hear the members ask. First of all, I am standing here as proof that anyone can play squash. I refer to myself as having all the gear but no idea. Squash is such a simple sport that it can be enjoyed both by professionals and novices equally. I can also confirm that squash is a great work-out. It is fast paced and high intensity. You can burn over 1,000 calories an hour if you really have a competitive hit-out. So I would suggest it to all of the members in the Chamber.

A survey by *Forbes* magazine rated squash at the top of the leaderboard for the healthiest sports in the world. I not only enjoy the fitness benefits but also returning home to Bathurst and playing squash in my local competition as a way to relieve stress and to have an outlet outside of this building and the world of politics. People across the world like me have a deep love of squash and that is why squash is played in over 150 countries with over 50,000 courts worldwide. Squash is played by 20 million people, with over 300,000 competitive players registered across Australia. Like many other sporting codes and thanks to COVID-19, squash was squashed while governments all across the globe did their best to get on top of this virus.

In New South Wales I am glad to say that squash is being played once again with strict rules to ensure the health and safety of players, officials and spectators. I take this opportunity to give a shout-out to the Bathurst Panthers Squash Club—of which I was a committee member until last year—and to Alicia Atkinson, Andrew Kelly, Jim Gore and Sue McMahon and many others who do a fantastic job at that club. I commend Squash NSW president John Small and his team for getting players back on the court and back into action following what has been a tough time for everyone this year. I wish all participants in World Squash Day events across Australia and the world the best of luck. Win, lose or draw, squash will be the winner. We love that everyone is now back playing sport because at the end of the day that is what really matters.

Finally, I encourage everyone in this Chamber to give squash a go. We could set up a Parliamentary Friends of Squash, if it is not yet established. I spoke to Department of Parliamentary Services CEO Mark Webb in the lift today and I am lobbying to get Parliament's one and only squash court open because I would not mind a hit—even against those from the other side of the Chamber. I am sure we could have some good chat. I urge everyone in this Chamber to find their local squash club, put on some sneakers and jump into the glass box. You will not regret it. I look forward to our court in Parliament reopening and to playing against members of this Chamber. I am sure it would be a good run and I look forward to playing anyone who is interested. I commend the motion to the House.

**The Hon. JOHN GRAHAM (21:40:59):** I lead for the Opposition in debate on the motion and I commend the Hon. Sam Faraway for his enthusiasm. He is rapidly climbing the charts and he stands a chance of being the second most enthusiastic member of the Chamber. Of course, he is not even close to the Hon. Ben Franklin, who holds that particular record. But if he had really been serious about this topic, he would not have moved it in a short form format; he would have pressed the case for longer. As the Hon. Mick Veitch said, he has played three sets, not five, but I appreciate his enthusiasm.



I was upset that when the Hon. Sam Faraway was saying it would be the biggest social media campaign in the history of squash he did not spell out what the previous record was. He should have put that on the record. It is a good motion and Labor supports it mainly because of the 300,000 Australians who play this sport. It offers a little hope as we open back up. These are tentative steps but this is a good one as we open back up after COVID-19. It has been hard to exercise and to get around but this is a good sign, and I commend the member for bringing the motion to the House.

**The Hon. WALT SECORD (21:42:30):** I thank the Hon. Sam Faraway for moving this motion. The Hon. Sam Faraway has proven himself to be a man of wit and humour. This is his first motion since the koala fiasco that gripped The Nationals and almost ripped the Coalition apart. After he threatened to cross the floor, I thought we would have had a motion from the Hon. Sam Faraway about water allocations, drought, bushfires, rural and regional infrastructure, jobs, jobs, jobs and even more jobs, or maybe a speech on the kangaroo explosion, koalas or land clearing. This is why The Nationals have lost seats to the Shooters, Fishers and Farmers Party.

When the once great National Party finally gets an opportunity to move a motion in this Chamber it is not about rural issues, but about squash. I thought this was going to be about the vegetable squash. I did not realise it was about the sport of squash. This is why the once great National Party—the party of "Black Jack" McEwen, Ian Armstrong, Sir Asher Joel, Ian Causley and Jenny Gardiner—has become the party of the Hon. Sam Faraway. This is why the member for Port Macquarie, Leslie Williams, MP, has left The Nationals. The Nationals renegade who said he was going to cross the floor stands up for the first time in this Chamber to deliver a speech about squash.

**The Hon. WES FANG (21:44:39):** What a response from the Hon. Walt Secord. We have just heard what the Hon. Walt Secord says The Nationals represent. But let me tell him what The Nationals really represent. The Nationals represent rural and regional communities. In rural and regional communities—

**The Hon. Walt Secord:** Point of order: The Hon. Wes Fang should be speaking to the motion.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** There is no point of order. The Hon. Wes Fang has the call.

**The Hon. WES FANG:** We are the party of rural and regional communities, and in rural and regional communities we are going through a tough time. But what is it that keeps our people motivated and driven? It is sport, and squash is one of the best sports to play. When the Hon. Sam Faraway brings this motion into this House, he is not just doing it for himself. He is not just bringing it for this side of the Chamber; he is bringing it for every single member of our rural and regional communities—the people who send us here to represent them.

**The Hon. Walt Secord:** The forgotten people—squash players.

**The Hon. WES FANG:** The Nationals know that sport is great for physical fitness but it is also great for mental fitness, and our people have been through a tough time. We have been through drought, we have been through bushfires and we have been through COVID-19. But we are a resilient bunch and what we have seen from the Hon. Walt Secord in his contribution is a lack of understanding of how important sport is to rural and regional communities. When he mocks sport and when he mocks squash, he is mocking our people and our communities. The Hon. Walt Secord should reflect on that. He should reflect on mocking our people and how important sport is to our communities.

**Mr David Shoebridge:** Point of order: It troubles me to try to defend the Hon. Walt Secord, but the member is reflecting on the Hon. Walt Secord's contribution. The Hon. Walt Secord was mocking the motion, not the sport.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** There is no point of order. The Hon. Wes Fang has the call.

**The Hon. WES FANG:** I recently had two knee operations after tearing an anterior cruciate ligament twice so I am unlikely participate in sport, but squash is a fantastic game to watch. For those of us who cannot participate, sitting and watching sport can sometimes lift the spirit. So I thank the Hon. Sam Faraway for moving this motion, and I commend it to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:47:45):** I would enjoy the opportunity of having a game of squash with the Hon. Walt Secord. That would be one of life's great moments. I used to play squash many years ago.

**Mr David Shoebridge:** This cannot be what we are spending time on.

**The Hon. DAMIEN TUDEHOPE:** Good point. I acknowledge the interjection. In terms of the business of the House, one may well ask why the motion is important. I quite like it because it is important to acknowledge the revival of squash in New South Wales and worldwide. But I acknowledge Mr David Shoebridge's point about why we are discussing this issue. I would welcome a better ordering of business this day, if that is what the member has in mind. But let me tell the story. I married a dentist and eight weeks before I was to be married I was playing a game of competition squash against someone who was far too good for me. So I thought I would engage in that game. It was not the Hon. Walt Secord, I can tell you that.

**The Hon. Walt Secord:** I used to be a mad squash player.

**The Hon. DAMIEN TUDEHOPE:** Bring it on! In many respects I tried to crowd this guy and he let me have it. He whacked me in the face and I spat out four teeth, my front teeth, eight weeks before I was to be married. My wife was not happy, I can tell you. I had to be operated on late at night. That ended my competition squash career. I have been induced to return to the squash court recently when I was challenged by the Labor Party. It was a matter of judgment whether I should play. I engaged in the game of squash at the behest of the champion of the Labor Party. I believe the champion of the Labor Party, Steve Kimber, can relate to those opposite how he fared in that game. This is an important motion because it indicates that there is such a thing as World Squash Day. I have been invited to play again. For those who have some interest in that, I will be playing Matt Kean on World Squash Day. One of us will come off worse. [*Time expired.*]

**The Hon. SCOTT FARLOW (21:50:48):** I support the motion of the Hon. Sam Faraway relating to World Squash Day. As we have seen, squash brings people together. The Hon. Damien Tudehope talked about how he wishes to have a game with the Hon. Walt Secord. I might suggest the Hon. Sam Faraway could have a game with Minister Matt Kean. I am sure that would be a great encounter. I know the Hon. Daniel Mookhey is a lover of squash and a mean squash player.

**The Hon. Daniel Mookhey:** To the death.

**The Hon. SCOTT FARLOW:** I am sure that he would be up for a game. So here it is, a sport that is already bringing this House together for World Squash Day. I commend the Hon. Sam Faraway for bringing forward this motion for the 300,000 Australians who love squash, many of them in regional communities, as has been outlined by the Hon. Sam Faraway and the Hon. Wes Fang. There is one person from a regional community who was a greater lover of squash. I am sure the Deputy President is familiar with him—the late and great Bob Geoghegan, former deputy mayor of Maitland, a former Liberal candidate for Maitland on many occasions and the founder of the Hit-N-Dip at Maitland, which is a renowned squash and pool facility. The late Bob Geoghegan was a great lover of squash and furthered the interests of squash in the Maitland community. He put squash on the map when it came to Maitland. He is still renowned in that community for what he has done for local sport and fitness in the area. That is something he was very strong on and ensured that people could get fit through squash in Maitland. He made a huge impact on that wonderful regional community through his efforts to keep people in the community fit, particularly through the Hit-N-Dip at Maitland.

**Mr David Shoebridge:** Make sure you get the video of this speech and he can put it on Facebook.

**The Hon. SCOTT FARLOW:** He has passed away so I do not think he will be doing that but it is good to remember and honour Bob Geoghegan. The Hon. Damien Tudehope has regaled the House with some of the dangers of squash. My dangerous episode occurred in this House as well, when I was playing squash downstairs about 15 years ago and broke my foot for the third time in a game with Jonathan Clegg, who was another former Liberal candidate for Coogee. Jonathan kept on encouraging me to play through the pain. I was doing relatively well until I broke my foot. I must say, playing through the pain did not work so well. I ended up getting beaten in that game and have never returned to the squash courts again. I do not think I will be playing on World Squash Day either because I still have the fear that I might break my foot for a fourth time if I were to return to the squash court. But for others whose feet are in much better condition than mine, World Squash Day will be a fantastic event. Congratulations to the Hon. Sam Faraway for moving this motion.

**The Hon. MARK LATHAM (21:53:54):** One Nation supports this motion. I have no tradition of playing squash. I look with great envy at the spaces down in the bottom floors of this building and wonder if this is the future location of the Mookhey-take-a-looky storing unit for papers under Standing Order 52. It is a logical place. Unless the Faraway motion is supported and we have active use of the squash courts, they will be the new destination, the den of the Australian Labor Party, with their little lamps and abacus, their microscopes and magnifying glasses, going through the reservoir of documents called for under Standing Order 52. Unless Labor supports the Faraway motion, it will end up down there, not playing squash but looking at all the documents provided under Standing Order 52.

I was worried about showing my age but the most distinguished high-profile user of the squash courts was Nick Greiner back in the day, who was a very keen and fine player and a president of Squash Australia. The Hon. Sam Faraway is reviving a great Coalition tradition. At a time when the Coalition has the odd point of friction, it is great to honour Nick Greiner and point out that the Liberals can play squash as well as the honourable member himself. I look forward to the contest against Matt Kean. I will give you a little tip: The best way to meet Matt Kean is to dress up as a koala and he will let you in for sure. It is the only way the Nats will get on top of that issue. Beyond that, having listened to the motion carefully, questions have been raised: Is squash a sport? Is squash a vegetable or is squash the Hon. Walt Secord falling on top of you?

**The Hon. BEN FRANKLIN (21:55:54):** I start by addressing the comments of the Hon. Walt Secord. The Hon. Walt Secord, in his amusing way, tried to categorise The Nationals members as people who should be focused on the farming of squash. That is funny and lovely but I grew up in a little country town of 1,000 people called Barham and squash was an important part of our community. We had four sports that were critical for the community to interact with each other.

**Mr David Shoebridge:** You are trying to pretend this is a serious motion.

**The Hon. BEN FRANKLIN:** They were squash, and the squash courts were a community hub, along with Aussie Rules, which we called the Victorian Football League, cricket and tennis.

**Mr David Shoebridge:** Preaching to us that this is a pretend serious motion.

**The Hon. BEN FRANKLIN:** Mr David Shoebridge takes offence that I am preaching to him. Perhaps pots and kettles is something we should talk about at this point. The point is that squash is an important part of regional communities, as are all community sports. That is something that I learnt at school. I am not a monolith, I am not an enormous sporting giant but the one sport that I could play was squash—not particularly well but not badly either. I played it all the way through school and when I got here, working as a junior staffer to the Hon. Greg Pearce 20 years ago, I had a regular squash player who was a partner—

**The Hon. Don Harwin:** James Boland-Rudder?

**The Hon. BEN FRANKLIN:** I did play with James Boland-Rudder but he was not my regular squash partner. My regular squash partner was a fellow who was a staffer for David Clarke, Alex Hawke, and who is now the Federal member for Mitchell. The Hon. Scott Farlow spoke about how this motion brings this House together. We were on very different sides of an entirely different party at that point but squash did bring us together. I have also played with Matt Kean and we were very equally matched. I was not dressed as a koala. He is a fine player. The Hon. Mark Latham and the Hon. Walt Secord should take him up on that idea to play with him.

**The Hon. John Graham:** I read his press release about that match.

**The Hon. BEN FRANKLIN:** I am sure you did. This is quite a serious motion because squash and community sport are important for regional communities. They do bring the community together. They serve as something the community can coalesce around and they bring the community together, particularly in difficult and challenging times. That is why I am utterly delighted to support this motion and commend Saturday 10 October, being no ordinary day, as World Squash Day. I ask everybody to celebrate it in the way that it should be celebrated.

**The Hon. SAM FARRAWAY (21:59:17):** In reply: I thank members who contributed to the debate: the Hon. John Graham, the Hon. Walt Secord, the Hon. Wes Fang, the Hon. Damien Tudehope, the Hon. Scott Farlow, the Hon. Mark Latham and my colleague the Hon. Ben Franklin. Thank you to those who made a meaningful contribution. There are members opposite who were clearly not happy with the motion and do not think it is worthy of being discussed tonight. I say to them: Good luck trying to stop a private member putting something on the *Notice Paper* to be discussed. It is serious because World Squash Day commemorates someone who died in a terrorist attack and their love of the sport. To turn up and mock World Squash Day—which clearly the speakers have been in favour of—is poor form. I reiterate some of the important points around sport, activity and the fact that *Forbes* magazine has rated squash as one of the top and healthiest sports in the world. It is represented in over 150 countries—

**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.

*Adjournment Debate*

## ADJOURNMENT

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

That this House do now adjourn.

**PRIVATE MEMBERS' BUSINESS**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:00:45):** I welcome the opportunity to speak in relation to this adjournment debate. The standing orders provide for the Presiding Officer to interrupt the debate to allow the Minister to move the adjournment motion at 10.00 p.m. The adjournment has to mean something. I would suggest that it means this House has indicated that the appropriate time to adjourn is 10.00 p.m. The hard adjournment applies at 12 midnight in circumstances where the business of the House needs to continue to a later hour. The hard adjournment applies to that later hour. The question arises: At what stage do members say that there ought to be an adjournment on any day at 10.00 p.m.?

Today, before they came to the House, the Opposition, the Government and the crossbenchers agreed to debate 29 items on the *Notice Paper*. I make this contribution tonight because, on any view of it, it was never going to be a circumstance where 29 items could be dealt with. There is an obligation for us all to reach a better process for the purpose of conducting business on Wednesdays. I have just heard Mr David Shoebridge give a constant stream of interjections during the course of debate relating to World Squash Day. Time and time again he said, "Why are we debating this?" We are debating it because there is no approach by those opposite, the crossbench and members of this House to reach an agreement in relation to the conduct of business on this day in a reasonable way.

The number of Standing Order 52 applications that we have Wednesday after Wednesday take up the time of this House. No serious position is taken to limit the business of the House so that we can deal with policy issues which arise and proper business of the House. There is an opportunity for us all to reach a way of doing business on Wednesdays where everyone gets to deal with private members' business in a proper and sensible way. The way that private members' business is currently conducted is a blot on the way we do business on a day-to-day basis in this House. I recall being in this House when the Hon. Courtney Houssos, who interestingly enough is not here tonight—

**Mr David Shoebridge:** You don't know why she isn't here and you shouldn't say that.

**The Hon. DAMIEN TUDEHOPE:** I should say it. The Hon. Courtney Houssos, who is not here, made the point that the sitting hours of this House do not take into account the family obligations that members of the House have. Leaving here at 12.30 a.m., after the adjournment debate has finished, often gets people home at 1.00 a.m. or 1.30 a.m.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** Order!

**The Hon. DAMIEN TUDEHOPE:** Quite frankly, that is not a proper work health and safety environment to work in. Those opposite, who say that they stand for workers working in a proper environment, have no consideration for the staff who work here and have to turn up early tomorrow morning. There is an obligation on us to create a workspace which is better. [*Time expired.*]

**PRIVATE MEMBERS' BUSINESS**

**The Hon. ADAM SEARLE (22:06:00):** It will surprise no-one to learn that the Opposition will be opposing the motion to adjourn the House. I remind the Minister, who is but lately a member of this House, that when I first arrived here there were matters that were in the order of precedence and every Thursday there was an unseemly scramble of parties and individuals trying to get the numbers to bring their favoured items up. Sometimes you won and sometimes you lost. It was extremely chaotic, it was very chancy and it was a pure fluke if the Opposition or the crossbench got a fair shake of the allocation of private members' business. Often an hour or two was lost in the debate. What we have now with the Whips meeting at the dinner adjournment on Tuesday is a civil dialogue between parties that have nothing in common but their membership of this Chamber, to try and reach a fair allocation of time for private members' day.

Each private members' day the Government Whip, taking that consensus, puts a conduct of the House motion, which is almost always agreed to. We accept that it has become the practice that this House sits for many long hours because there are so many items that members wish to debate. I am not going to mock World Squash Day; it was a choice of the Government to debate that matter today. Criticism is levelled at Opposition members for the number of calls for papers under Standing Order 52; of course, we have had a number of second reading debates on bills today. To take the point raised by the Hon. Mark Latham, there can be no disputing that there has been a combination of policy deliberation and calls for papers from the Opposition. The crossbench have engaged in that as well. I accept that the Minister is within his rights to move the adjournment at 10.00 p.m.—that is what the standing orders provide for—but he knows that it is not supported.

I accept that he is making his point and I thank him for giving us the courtesy of a warning that he was going to do this. The truth is that there is usually only one day that private members, who are not members of the

Government, get to raise and debate the issues that they wish to have the House consider and vote on. There are some exceptions; there are matters of public importance and sometimes things leak over into Government business day. But since the last election—and indeed since I have been here—the Opposition has not done things on Government business day that have had the effect of stopping the Government from bringing its bills to the House to be debated and voted on, if that is what the Government needs to get done that week or that day. We have not blocked Government business. Sometimes other things have happened on Government business day and I note that tomorrow is Government business day. I accept the Government's invitation to raise other matters in the House tomorrow. If that is how the Government intends to proceed, knowing that the numbers are against it and that members wish to discuss matters of substance and importance on the one day dedicated to private members' business, it can do that and take the consequences.

**The Hon. Damien Tudehope:** There are two Houses.

**The Hon. ADAM SEARLE:** Yes, there are two Houses but the other place does not even have a functional question time, so don't you be lecturing us about there being two Houses.

**The Hon. Mick Veitch:** Mr Deputy President?

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** The Hon. Mick Veitch—

**Reverend the Hon. Fred Nile:** Go by the speaking list.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** I am sorry. I did not hear.

**The Hon. Mark Latham:** This is a motion to adjourn, Reverend the Hon. Fred Nile, not to speak on it.

**Mr David Shoebridge:** No, this is the adjournment debate.

**The Hon. Don Harwin:** It is speaking on the adjournment.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** I heard one voice. Reverend the Hon. Fred Nile has the call.

#### RUSSO-POLISH WAR

**Reverend the Hon. FRED NILE (22:10:33):** My contribution to the adjournment debate refers to important events in the history of the Polish nation. This year is the centenary of one of the major watershed moments of contemporary European history. In the early 1920s when the Soviet Communist revolution in Russia had done most of its gruesome work, the revolutionaries turned their attention to expanding the revolution beyond their borders. In Europe, which was still recovering after the devastation of the Great War, many new nations regained their independence in the wake of the fall of the old continental empires. Poland was one of those countries that returned to the map of Europe after almost a century and a half of foreign colonial occupation. Of course, many other nations were reborn throughout Central and Balkan Europe but the Communist push into the west could not be achieved without steamrolling through Warsaw, the capital of Poland.

This year, many Polish-Australians join with their compatriots overseas in celebrating the defeat of the Communist armies in the ensuing Russo-Polish War. Strangely, that war is little known in the west but the defeat of the Red Army, notably at the gates of Warsaw in 1920, stifled the Communist revolution's expansion into western Europe, thus changing the course of history. At the time, the spirit of revolution was ripe and significant sympathy for the cause of Lenin and Stalin existed among large sections of German, French and Italian society. Leon Trotsky was convinced that the Polish peasants would join forces with the oncoming Reds and join in a combined struggle against their alleged upper-class oppressors. He was wrong. National feeling united all classes in a common desire for freedom and independence. Had the Red Army broken through the Polish defence, arguably the face of Europe would look drastically different today.

The war has taken on symbolic meaning for many people around the world, not just the Poles. G.K. Chesterton was a great champion of the causes of those who stood up to the Red Army at Warsaw. He compared it to the defeat of the Turks at the gates of Vienna in 1683. That was another watershed event in European history, and also involved a Polish force defending western Christendom, but from a rival creed that time. In 1920 they were defending their and our Christian civilisation against an ideology of militant atheism. There is no better description of the sentiment that swept the country than that of Paul Suski in an article published in the *Catholic Journal*. The article states:

It was a war of a Catholic nation against an army of an atheist, materialist creed, where the winning was against all impossible odds; and the Poles were painfully aware of this. Moreover, for many of them, anything imported from the east was automatically tainted by association with Poland's historic oppressor and occupier, Russia. All in all, people realized that only a miracle could save her from total annihilation. In churches across Poland, the faithful of various walks of life confessed their sins, received Holy Communion, and adored Jesus in the Blessed Sacrament. Over 100,000 Poles took to the streets to beg for God's Mercy. [The Polish] General Józef Haller lay prostrate before the image of the Black Madonna on the floor of Church Christ the Savior. Likewise did

30,000 of the gathered in Castle Square who also wept and prayed the Rosary throughout the night in front of the relics of a martyr and patron saint of Poland .... Understanding the gravity of the situation ... [the Catholic] Archbishop ... Ratti (later Pope Pius XI) appealed for worldwide public prayers for Poland. As the hordes of evil empire crossed the river ... Polish bishops joined to consecrate their country to the Sacred Heart of Jesus ...

The battle was won and the war was over. On 18 March 1921 the Treaty of Riga was signed. Of course, both glory and tragedy can befall a country localised on the borderlands of Europe, especially one that does not easily bend its knee to tyranny. The revolutionary ferment that still existed in places like Germany in the 1930s—*[Time expired.]*

#### REGIONAL MEMBERS OF PARLIAMENT

**The Hon. MICK VEITCH (22:15:55):** During my time as a member of this House, members on both sides of the Chamber have made comments about House sitting hours. During his contribution, the Leader of the House made a comment that I seek to put into perspective rather than challenge. Regional members do not have the opportunity to return home to their children when the House adjourns for the night. To those members who say that we "go home" when we finish at 10.00 p.m., I make clear that a number of members on both sides of the Chamber do not get that opportunity. Members should be mindful that the extent of regional members' parenting contributions is a phone call to their children once or twice during the day. When discussing the start and finish of sittings of this House, I urge members to be mindful that they are talking only about city-based members because regional members are in Sydney for the week. Most of them will bunk down for a couple of hours at a motel before returning in the morning for the thought leadership breakfast. I make that comment to ensure that members are fully aware that some members cannot go home to their kids. I have had enough of the conversation about the hours of the House and members going home.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (22:17:45):** In reply: I moved the adjournment motion to enable the Leader of the House to make the points that he made so well. He made important points that have, indeed, been made previously in debate by the Leader of the Opposition. I read onto the record a statement made by the Leader of the Opposition earlier in the current term of the Parliament on 8 May 2019 about the extension of sitting hours. He said: The impact of this is partly to effect the extension of Thursday's private members' day to allow more private members' business to be transacted, but it is also to do something else. At the moment at 10 o'clock the custom is that the Minister may move an adjournment motion. Most of the time the Minister does; sometimes it does not happen. This is to provide a cut-off at midnight so that in the usual course this House sits no later than midnight out of regard for not only the welfare of members but also their staff and the staff of this Parliament.

On those few occasions when we have sat beyond midnight into the small hours debating often controversial measures people have asked, "How can members of Parliament make good and sound decisions when you are so exhausted?" and have also observed that it is just not proper or sensible to be debating things at those extreme hours of the day. That is a good, commonsense starting point. I could not have put it better myself and I am sure the Hon. Damien Tudehope would not disagree with that. He made the same argument that the Hon. Damien Tudehope made tonight: That the House should not make it its practice to regularly sit until midnight, which is what the House is now doing on sitting Wednesdays on private members' day. We left the 10.00 p.m. trigger in the sessional orders for a reason. It signals a fair working period for members and their staff and, importantly, the staff of the Parliament.

We sit at 10.00 a.m. and work right through the day until 10.00 p.m. with work breaks. Every member knows that many of us are here at 7.30 a.m. and if it is a 10.00 p.m. adjournment motion that we will be here until 10.30 p.m., and often a bit later as well. It is a long day. It is not inappropriate to say that we should not routinely be sitting every week till midnight, which is what has been happening. The Hon. Adam Searle listed the number of items of business that we are getting through. He spoke of how private members' day has evolved during the time he has been in Parliament. Yes, it has. I pay tribute to the inaugural Government Whip of this term, the Hon. Peter Phelps, and his successor, the Hon. Natasha Maclaren-Jones, for the way they have worked collaboratively with colleagues—

**Mr David Shoebridge:** Time has expired.

**The Hon. DON HARWIN:** No, there is no time limit because I am in reply.

**The Hon. Adam Searle:** There is no reply.

**The Hon. DON HARWIN:** Yes, there is. Check the standing orders.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** The Minister has the call.

**The Hon. DON HARWIN:** I pay tribute to both of them for the way they have collaboratively worked with members of all parties, including the crossbench and Independents, to ensure that we have a good working relationship and a far more productive approach to private members' business. An ordinary sitting day of 12 hours duration plus and, ordinarily, three to four hours of work at either end, is not fair for our staff nor the Parliament staff. Having made all of those points, the Government has had the opportunity to make its point. The Leader of the House appropriately made the Government's point and I have replied to comments made during the debate. I am happy to withdraw the motion if members wish to keep debating private members' business, but the point needed to be made. I seek leave to withdraw the motion.

**Leave granted.**

**Motion to adjourn the House withdrawn.**

#### *Motions*

### **WORLD SQUASH DAY**

**Debate resumed from an earlier hour.**

**The Hon. SAM FARRAWAY (22:23:31):** In reply: To reiterate some of the important points as to why the motion was brought before the House, squash was rated by *Forbes* magazine as one of the healthiest sports in the world. It is represented in over 150 countries with over 50,000 courts worldwide and is played by 20 million people, with 300,000 competitive players across Australia. I will now touch on some of the contributions to the debate.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Order! There is too much audible conversation in the Chamber.

**The Hon. SAM FARRAWAY:** Many members made thoughtful contributions to the debate, which I appreciate. I take note of the contribution by the Hon. Walt Secord, who took the opportunity to criticise The Nationals. He will do that day in, day out so it does not phase me. But he does not understand that members of The Nationals are embedded individuals in their communities. They are part of regional squash clubs, on squash club committees and have been members of those organisations. We have heard how important it is for regional communities to have sport and to have an outlet during what has been a very tough year. He clearly just does not understand how regional MPs of any party are embedded in their community and why it is important to raise these types of issues. From his contribution I see how he has completely confused squash the vegetable and squash the sport. I can clearly see how, as the deputy shadow Treasurer, he came to that view and made that mistake. It is an important motion and I thank members for their contributions tonight. Bring on World Squash Day in October.

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

**Motion agreed to.**

#### *Bills*

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

#### **Second Reading Debate**

**Debate resumed from 16 September 2020.**

**The Hon. SCOTT FARLOW (22:26:30):** I speak to the Crimes Amendment (Zoe's Law) Bill 2019. I thank Reverend the Hon. Fred Nile for bringing the bill before the House, as he has done in previous Parliaments. I am still disappointed that we have not made any progress on this legislation. In 2017 I made some extensive remarks on the bill as it was presented in the prior Parliament. In that debate I raised my concerns with the bill as it was drafted, although I was supportive of the general tenet of the bill. In that debate the Hon. Trevor Khan also made some cogent arguments about some of the flaws in the bill and how the good minds of this House should work together to achieve the goals of Reverend the Hon. Fred Nile without the unintended consequences that some of us see it could have.

During the 2017 debate I also remarked that I preferred the bill as structured by the former member for The Entrance, Mr Chris Spence, which was passed by the lower House in 2013. Unfortunately, it was not passed by this House. I think that bill had some preference to the bill that is before the House tonight. In saying that, Reverend the Hon. Fred Nile's intentions are correct. I would like to see the Government make progress on this legislation as it has outlined at several points. The Attorney General has outlined his intention to bring a government bill in this area to address the issues that Reverend the Hon. Fred Nile seeks to address, which I am very supportive of, to ensure that there is proper recourse when a mother loses her unborn child due to the recklessness of an individual.

It is important that is addressed by the legislation and it is important that we get it right. I hope to see the Attorney General introduce a government bill to Parliament that we will support. I do hope to see that soon. It was a promise made by the Government prior to the last election that it would be addressed. It is a promise that I would like to see fulfilled by the Attorney General and by the Government, and it is something that I will continue to advocate for.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** Just before we go on, if social distancing means anything in this place then it is not anywhere close to being complied with. It is not just Opposition members. The spots are on the floor for a reason. It seems absurd to me that we go through the farce of saying that we will social distance and then everyone huddles. The member may proceed.

**The Hon. SCOTT FARLOW:** As I was indicating, the House has dealt with the decriminalisation of abortion. That matter has been finalised and determined by the House. I of course had a very strong position with that legislation; Reverend the Hon. Fred Nile did as well. But the bill before us today—and any bill that the Government would bring—does not seek to meddle with that legislation. As outlined by Reverend the Hon. Fred Nile, it expressly seeks to exclude any operation in that respect. As the Hon. Trevor Khan recently reflected in his remarks on this legislation, at the end of the previous Parliament there was goodwill to try to get some progress on this from members across the divide when it came to matters of the pro-choice and pro-life camps.

That was all in good faith and goodwill. There was at that time some quibbling over the specific term that you would limit it to and that was an issue. As we have seen, the vote of the House has somewhat finalised that debate so that should be taken out of consideration. I end my comments there and reflect my previous comments on the bill. I note those made back in 2017. In doing so, I commend Reverend the Hon. Fred Nile for his continuing fight on this matter. I again outline my position that the Government needs to live true to its promises and election policies and to get on with rectifying this matter.

**Debate adjourned.**

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

### **Second Reading Debate**

**Debate resumed from 16 September 2020.**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:33:33):** The Government does not support the Public Works and Procurement Amendment (Workers Compensation Nominal Insurer) Bill 2020. The Government is committed to supporting injured workers. Icare was established in 2015 and is one of the largest insurance organisations in the country, with \$38 billion of assets including responsibility for the workers compensation scheme. This was necessary reform. Under Labor we saw a system that was not delivering for either the workers or the businesses of New South Wales. A great point is often made about the solvency ratios. When Labor was in office, the solvency ratio was down to 76 per cent. The Government has been criticised in this place for a memo from a staff member which indicated that the solvency rate might be 98 per cent under the current Government. In fact, it is currently over 101 per cent or thereabouts. When Labor had responsibility for the workers compensation scheme in New South Wales, the solvency ratio was 78 per cent.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I call the Hon. Daniel Mookhey order for the first time.

**The Hon. DAMIEN TUDEHOPE:** If ever there was a case for reform, it was in 2015 when the Government took the view that this was something that needed to be put on a stable and reliable basis. Thanks to the reforms, the workers compensation scheme in New South Wales is now subject to a greater level of scrutiny and transparency than at any other time in the scheme's history. In addition to having its own independent agency in the State Insurance Regulatory Authority [SIRA] to review its operations, icare is also subject to frequent reviews by the law and justice committee, budget estimates and other forums. These reforms have put it in a better place to support injured workers. For example, former icare board member Mark Lennon has observed that the introduction of a single platform and an automated front-end system has clear advantages in assisting many injured workers in getting back to work after necessary treatment.

However, we know that there are things that need to be done better. Evidence has been given to the Standing Committee on Law and Justice about things that need investigation, need recommendations and need reform. That is why the New South Wales Treasurer and the Minister for Customer Service have announced that they would bring forward a scheduled statutory five-year review into icare and the workers compensation schemes, the report for which is due in April next year. What the Treasurer has said in the context of New South Wales's recovery from COVID also applies to the reform of icare: "We cannot afford the cure to be worse than



the disease." We must first diagnose the issues and ask the necessary questions. Only having come to a reasonable estimation of the systemic issues should we look to prescribe the treatment. The review must be allowed to be completed and must be a proper and thorough investigation with due process followed.

This is not a run-of-the-mill review. It was expanded to include a root-and-branch examination of icare to ensure that there is strong public confidence in workers compensation here in New South Wales and to identify opportunities to better the system. This review headed by the Hon. Robert McDougall, QC, will ensure that we continue to improve the system and get the best results for injured workers. It will focus on the entirety of icare: its operations, its governance structure, its finances and the management culture. The review will focus on matters of public interest that have been raised in recent weeks: the sustainability of the scheme, the relationship between icare and the regulator, and the effectiveness and accountability of the icare board. If passed, this bill would be putting the cart before the horse to carry water in a sieve, so to speak. The cure would be worse than the disease. We need to ensure that Mr McDougall has every opportunity to conduct his work without interference or new roadblocks. This review must be allowed to deliver the results for which it was brought forward—to address concerns and enable the claims model to deliver the best outcomes for injured workers.

If this bill is passed it will have the effect of amending the Public Works and Procurement Act 1912 just to provide that the workers compensation Nominal Insurer be subject to government procurement obligations in part 11 of the Act. It is a simple Act; it just brings the Nominal Insurer under government procurement rules. Part 11 of the Public Works and Procurement Act 1912 provides the NSW Procurement Board with wide powers to issue legally binding directions to government agencies regarding their procurement. In addition to requiring certain disclosures and processes, procurement rules given to agencies can often seek to deliver social policy benefits from government expenditure. A great example of that is the direction issued earlier this year by me in response to the devastating bushfire season. The direction I gave at the time required that government agencies use, wherever possible, local businesses within their communities impacted by bushfires and floods in the clean-up, repair, rebuilding or remediation and enhancement works.

Another example is the Aboriginal procurement policy, which requires agencies to look at ways to stimulate Aboriginal participation in government procurement through various measures. Currently the Nominal Insurer is exempt from such government procurement policies, and for good reason. Every dollar held by the Nominal Insurer is not government money; it is money that must be spent on getting workers back to work. The Nominal Insurer is established under section 154A of the Workers Compensation Act 1987.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** This is not an opportunity for a discussion to occur between the Hon. Daniel Mookhey and Mr David Shoebridge. If they wish to make a contribution there are the forms of the House.

**The Hon. DAMIEN TUDEHOPE:** The Nominal Insurer is established under section 154A of the Workers Compensation Act 1987, which specifically provides that the Nominal Insurer does not represent the State or any authority of the State. The Nominal Insurer is intended to operate solely for the benefit of private employers and private workers, and so it should be. Changing the framework to apply government rules to a non-government scheme wholly undermines the intention of how the Nominal Insurer is to operate. It is not for the Government to set an unreasonable and burdensome precedent for private businesses to support government initiatives in this way, because it is not the Government's money. Indeed, as Mr David Shoebridge ought know, section 154D of the Workers Compensation Act 1987 specifically provides that the State has no beneficial interests in the assets held in the Nominal Insurer's Workers Compensation Insurance Fund and that the State therefore is not entitled to any surplus, nor does it hold any liability for any deficit in the fund.

On the flipside of this, the legislative framework is designed to keep the Nominal Insurer's finances separate from those of the Government to ensure that taxpayers are not required to support insurance for private businesses. The cost of the services that the Nominal Insurer provides to private sector employees is funded by a combination of investment returns and workers compensation premiums levied on private sector employees. If this bill was passed, the direct impact would be on the premiums payable by private businesses in complying with government procurement policies. This bill creates an unnecessary risk in the accounting treatment of the Nominal Insurer by potentially bringing it within the State sector for financial reporting, which would mean that a financial shortfall in funding from the private sector would be transferred to the Government and would be borne by taxpayers.

Icare's procurements are a matter for the board and for senior management. We can all agree that there have been instances before the Standing Committee on Law and Justice—of which you, Mr Deputy President, are a member—which call for some scrutiny; I do not walk away from that. But this sledgehammer approach of bringing the Nominal Insurer, a non-government insurer, under government procurement policies is not the answer. The answer is a stronger approach to the manner in which icare operates and delivers transparency rules, and I will come to that very shortly. I am advised that icare is conducting a review of its own internal procurement

processes to confirm compliance with its requirements. Icare will also commission an external third party to review this internal exercise once it is completed. That is to provide a further assurance of integrity and transparency.

Icare has a range of different procurement options available to align it with the New South Wales procurement guidelines. Contract arrangements icare enters into that do not require an open market tender would include something like the use of whole of New South Wales government pre-qualification schemes, which generally only require competitive quotes from selected scheme members for contracts over \$150,000, or in some cases \$250,000; leveraging existing whole-of-government contracts; and piggybacking off other agency contracts. However, icare is exempt from procurements rules for the Nominal Insurer. What I think the honourable member asserts is that in contracting on behalf of other agencies that are looked after by icare, where government employees are the subject of icare's protection under the Treasury Managed Fund, icare has availed itself of the exemption which is made available to the Nominal Insurer to get around its obligations to comply with procurement rules.

**Mr David Shoebridge:** That is part of the concern.

**The Hon. DAMIEN TUDEHOPE:** You articulated that in your contribution to the second reading debate. If that is the concern that Mr David Shoebridge has, that icare has inappropriately used the exemption that has been given to the Nominal Insurer to engage in procurement processes which avoid government procurement policies, it would be subject to either the committee making a finding and then making a recommendation relating to how it should be dealt with or it would be subject to a finding by Justice McDougall, who would make a recommendation on how it should be dealt with. But I suggest that making a private insurer comply with government procurement rules is not the way to do it. Those rules would not apply to any other insurer in the State. We must allow all those review processes to be finalised and go ahead unobstructed by what I refer to as haphazard legislative amendments.

I do not doubt for one moment the intentions of Mr David Shoebridge in introducing the bill. I heard some of the examples he made in the House, as well as other examples that were proffered by the Hon. Daniel Mookhey. On one view they appear irregular. However, the question the House must determine is whether the bill is a solution to those irregularities. I argue that it is not. I am sure that the member introducing the bill is joining with the Government in seeking to get the best outcomes for injured workers. In fact, we hear ad nauseam that money that is inappropriately spent on contracts that have not been entered into properly should be spent on workers. While I concur with the sentiment, it would be imprudent to make any regulatory or legislative changes while the review is underway.

The Government has committed to reviewing legislation that has application to the Nominal Insurer, including the relevant sections of the Workers Compensation Act. The review will examine the frameworks holistically. Finally, Mr John Robertson will begin his appointment as the new chair of icare from next week. Mr Robertson is widely respected in the community and has extensive experience in politics, the union movement, workers compensation, business and most recently he was the chief operating officer of Foodbank NSW-ACT.

The Treasurer has outlined a list of key priorities for Mr Robertson to address any issues. They included refreshing the icare board, leading to the recruitment of a new CEO; ensuring the full cooperation of icare with Robert McDougall to allow the independent review to be delivered by 30 April 2021; improving the return-to-work rates for the Nominal Insurer; providing monthly updates on the pre-injury average weekly earnings remediation program, which is currently underway to repay injured workers; and undertaking an immediate review of icare's bonus and remuneration framework. A decision has already been made that no bonuses will be paid for the year ending 30 June 2020, which is a decision I am sure the Hon. Daniel Mookhey would be delighted about. The key priorities also include ensuring that icare staff do not travel overseas unless it is approved by the board; overseeing the independent cultural review of the organisation, which has already commenced; and monthly updates on meetings with the regulator, SIRA.

No matter how worthwhile and honourable the intention is to change the legislation now, it will only undermine and distract the review's goal to provide exceptional support and care for injured workers. In these unprecedented times and in looking to the future it is all the more important to get the right outcome. Therefore, the Government opposes the bill. I keep returning to the important point that the Nominal Insurer insures private workers with premiums that are paid by private, non-government corporations and businesses. It is not the Government's money and icare should not be subject to government procurement rules. However, as icare oversees the Nominal Insurer, it should have in place—and the community should require that it has in place—transparency rules regarding the procurement of contracts. We can then be confident that those contracts are properly entered into in the interests of workers and may be properly scrutinised by the public to ensure that we get the best outcomes for workers.

**The Hon. DANIEL MOOKHEY (22:53:36):** Perhaps unsurprisingly, the Labor Opposition will support the Public Works and Procurement Amendment (Workers Compensation Nominal Insurer) Bill 2020. In the three hours since we last debated icare in the House, Labor's views have not changed. Therefore, Opposition members are yet to be persuaded on the matter. While we paid close attention to the contribution from Minister Damien Tudehope, he did not persuade us to change our views, so we will support the legislation. When introducing the legislation, Mr David Shoebridge told the story of Chris McCann, an amazing person who I have known for a few years. He was the general manager of compliance and, by any description, he was a hero well before he came to icare. Mr McCann was a copper who was shot in the line of duty and had to exit the police force. He then had to reinvent himself as an expert in corporate governance. Mr McCann combined his knowledge of crime and fraud with corporate governance and brought those skills to icare.

When Mr McCann arrived in 2016, within less than a year of icare's formal establishment, he started investigating matters that appeared to be quite suspect such as related party dealings, conflicts of interest, close relationships with contractors, the disclosure of information to contractors, fraud, the theft of icare equipment and the fact there were no disclosure and compliance practices with various forms of law. Mr McCann was met with one of the most vile, homophobic, anonymous bullying campaigns and was pressured out of the organisation. Instead of icare providing anything that resembled a comprehensive response to his statements, Mr McCann stopped being invited to the fraud, audit and risk committee without explanation, his position was advertised whilst he was still in the job and then he received anonymous, vile, homophobic emails, which no person should ever be subject to.

Mr McCann had to go on workers compensation to deal with stress. When he resolved his claim, he was put on a non-disclosure agreement—a gag order. To be clear, this government agency insisted on a whistleblower signing a non-disclosure agreement. The public discussion of non-disclosure agreements about whistleblowers and other victims of various forms of workplace crimes took place at icare well before the Harvey Weinstein matter came into the public domain. Let there be no mistake: That was the application of a Harvey Weinstein-style tactic on a person who worked for the New South Wales Government. Any reasonable person could well suspect that he was forced to sign a non-disclosure agreement so that he could not go public and talk about what was going wrong at icare or about its contract practices of granting hundreds of millions of dollars of employer money that was intended for sick and injured workers.

In many senses, Mr David Shoebridge understated the case when he introduced the bill. He could have gone much further into the allegations that Mr McCann made about what took place at icare and its contract practices. Since Mr David Shoebridge made his second reading speech in the House two weeks ago, further information has come to light under Standing Order 52 about the related party dealings between one specific contractor and icare's executives. We have learned about the gifts that were given to icare's executives by contractors. We have learned that one contractor that the Standing Committee on Law and Justice is especially focused on is Capgemini. Within months of icare being created Capgemini was given \$360 million after it had the opportunity to come to the board and present documents bearing the Capgemini logo. The company was giving gifts to icare executives at the same time that a tender was apparently underway for the single platform that the Minister referred to in his contribution.

We have learned about that since the bill was introduced but it is just one example of a contractor paying gifts to icare executives in the months preceding icare making decisions about awarding tenders. Other gifts are in the register too. In fact, the most common pattern in the gifts register is gifts that were given to icare executives. If we compare that to the public register we see that contracts were given to those companies time and again, so much so that it would be reasonable for the committee to conclude that a cultural practice was taking place at icare under the particular leadership of CEO Mr Vivek Bhatia, who Mr David Shoebridge named. At the time that practice was taking place none of those contracts from icare or the Nominal Insurer were being published on the Government's eTendering website and notwithstanding a law saying that they should have been published within 45 days of them being signed.

They were only published at the start of the year and only came to public attention because of the budget estimates process. That is what brought them out and caused icare to have to account for not publishing its contracts. As to how all of this could take place, why it was possible and why this is a problem unique to icare, there is a single reason: icare is the only Government agency of any form that has any exemption in the Procurement Act. No-one else has an exemption. It is a special privilege of icare written into the State Insurance and Care Governance Act 2015, an Act written and authorised by Treasurer Dominic Perrottet. The only reason these practices occurred in the Nominal Insurer in the past four years and not in the preceding 25 years is that it only got the exemption in 2015. The moment it got the exemption in 2015, icare was able to decide its own procurement rules.

I accept that the Nominal Insurer is, for some, a complicated legal concept. We have come to learn a lot about it through the Standing Committee on Law and Justice. I was listening closely to the Minister's contribution about the Nominal Insurer and comparing it to what else government officials have been saying to the committee about the Nominal Insurer. It is remarkable that the Minister would come in here with that screed—I do not know who wrote that for him—to talk about the Nominal Insurer just two weeks after the New South Wales Government's own Treasury Secretary was coming before the committee saying, "Do you know what? There is a serious problem with the Nominal Insurer. There is a massive gap in our law and there is a case for law reform. We have to get to the bottom of fixing why no-one can tell what the Nominal Insurer can do." The Treasury Secretary says he should be exonerated for responsibility because he says Treasury has no power over the Nominal Insurer. Therefore, we cannot do anything about it.

SIRA, the regulator much extolled by the Minister, came to our committee and provided the exact same evidence: It cannot tell the Nominal Insurer what to do. That no-one can tell the Nominal Insurer what to do is apparently the view of the New South Wales Government. The irony is that it is not as though the Nominal Insurer was invented in 2015. The Nominal Insurer in its current form dates back to the 1987 legislation, so when the Minister says that Government procurement laws cannot be applied to the Nominal Insurer, he omits the fact that those same procurement rules applied to the Nominal Insurer for close to 20 years prior to the establishment of icare. There were 20 years of the scheme under both a Liberal Government and a Labor Government when it was possible to apply New South Wales Government rules to the procurement rules. But somehow when icare is created there is a legal difficulty when it comes to creating the Nominal Insurer. It is nonsense.

**Mr David Shoebridge:** It was close to 30 years.

**The Hon. DANIEL MOOKHEY:** I take the correction. For close to 30 years these rules applied to the Nominal Insurer. Of course, the other absurdity about the Minister's position is that I have heard many icare executives—I think we are up to our third icare CEO—telling us that they already follow the New South Wales Government procurement rules and there is no problem whatsoever. Mr John Nagle said this in budget estimates when he was trying to fend off scrutiny about icare failing to publish all its contracts. He repeatedly said it just hours prior to his resignation on 3 August. I think the words he used were that it was a beat-up and we were inventing it. He said that icare was already following all the procurement laws and had always followed the procurement laws. There is no issue following the procurement laws, yet the Minister who is responsible for the procurement, the only Act he is actually responsible for, says somehow it is incredibly complicated.

**The Hon. Damien Tudehope:** That is not true.

**The Hon. DANIEL MOOKHEY:** I accept the interjection. The Hon. Damien Tudehope is jointly responsible for lots of other Acts.

**Mr David Shoebridge:** It is a side issue.

**The Hon. DANIEL MOOKHEY:** It is a side issue. Needless to say, everybody else seems to think that there is no issue in applying the procurement rules except for the Minister responsible for procurement, which is a remarkable position that the Minister adopts. Let us be clear: \$180 million of contracts were issued without being published and at least \$120 million was lent in just a few years without ever going to tender. That is close to one-quarter of Treasury's annual budget given out at icare without tender in a very limited period of time. To the extent to which we heard any defence, it is a warped argument that because the Nominal Insurer is technically paid for by employers that government rules or any procurement rules should not apply to them. It is absurd. Employers want proper procurement standards to apply to the Nominal Insurer. Employers are the ones who are demanding the most that there be proper employer standards. I am sure that many employers would not object to the application of Indigenous targets on icare as a State agency, irrespective of whether or not it is a procurement agency. Notwithstanding the Government is not even meeting its own target on Indigenous employment, but I digress.

**The DEPUTY PRESIDENT (The Hon. Trevor Khan):** I remind Minister Tudehope that I made rulings in relation to the Hon. Daniel Mookhey and Mr David Shoebridge for interjecting and it is quid pro quo.

**The Hon. DANIEL MOOKHEY:** Employers are the ones who are clamouring for the improvement in governance standards above all else. They know that in the absence of governance standards there is financial disaster and in the absence of proper procurement rules there is overcharging and poor value for money. All this inevitably leads to increased premiums. We know this because icare tried to increase premiums at the start of the year. Employers are the ones who want change more than anyone else. If the Minister was paying some attention, he would know that.

The Minister says that we ought to adduce or perhaps provide examples of why we are concerned about what is going on. There is one example that has also come to light since the bill was introduced that involves the

IVE group, the Liberal Party's printer. IVE Group is led by a former chairperson of the Liberal Party, who was a massive donor to the Federal and State Liberal Party to the tune of over \$200,000 in the past five years. The company happens to share a director with icare's board; a director of IVE Group is the deputy chair of icare. Without any tender, it managed to get a contract for printing that was not disclosed until 23 August this year. This happened to coincide with some media questions about it three or four days before the board, including the deputy chair, was due to appear before the law and justice committee. It was only published on the e-tenders website that it received \$10 million worth of work and was actually paid \$18 million by icare without tender. The only reason it came to light was the scrutiny applied by the non-government parties in this House, perhaps with some quiet support from others.

The reason the IVE Group, the Liberal Party's printer and donor that is led by a former president of the Liberal Party, was capable of winning so much work out of a State workers compensation scheme was that icare did not have to tell anybody. The rules did not apply to it; that is the reason. The Minister says that we should be relying on the review. Lest there is any ambiguity, let me make our views on the review very clear: It is nonsense. It is a statutory review. It is the same statutory review that icare cancelled last year. It is not due to report until April. It has no power to compel the production of any document from icare whatsoever, it can only send a nice letter. It cannot compel any person to turn up to an interview. It cannot take any evidence under oath. The Hon. Justice Robert McDougall does not have all of the other powers you would expect from a genuine commission of inquiry, a royal commission or even a law and justice committee of the upper House.

It is a sham review designed to buy time and space for the Treasurer to see whether he can extract himself from a political disaster. What is worse as far as sham reviews go is it is not even timely. We will not see the recommendations until April, which means any reform from the Government is unlikely for months after that. Make no mistake, after Justice McDougall hands his statutory review to the Government it will be at least six months before Cabinet reaches a decision, which means there may not be legislation on icare until 2022. That is what the Minister says we should somehow accept.

The problem is that there are major decisions coming up about contracting practices. In fact, the most important decision coming up for the future of the workers compensation scheme is coming up at the end of this year, and that is whether or not to renew the Employers Mutual Limited [EML] contract and to give it a two-year extension. Employers, sick and injured workers and many others have a real interest in whether the New South Wales Government's procurement rules will apply when a critical decision for the workers compensation scheme is being made. The bill is urgent because when icare makes the most crucial contractual decision that it is going to make in the next few years, it should be subject to the New South Wales Government procurement rules.

That is just one of the many reasons why Labor says that the unique privilege that Dominic Perrottet bestowed on his pet agency needs to be removed. This is a second example of why the upper House has to urgently unpick Dominic Perrottet's handiwork when it comes to the State Insurance and Care Governance Act. The bill is urgent for that reason. We cannot trust icare's board to have unilateral power to decide whether Employers Mutual Limited gets an extension without being subject to procurement rules. The procurement board, which the Minister oversees and which is chaired by the Secretary of NSW Treasury and delegated to the Deputy Secretary, has already examined at least one dodgy contract issued by icare. The board should have some jurisdiction over a \$38 billion agency.

No other agency in New South Wales has so much money and so many assets under its control. Some \$38 billion is entrusted to icare. It is remarkable that the Government is saying that procurement rules should not apply to the wealthiest agency. That is nonsense. Labor says employers and sick and injured workers deserve better than that. Sick and injured workers and employers deserve the same procurement rules and protections that apply to every other public sector agency. If it is not too onerous for Sydney Water, it is not too onerous for icare. On that basis we commend the bill to the House.

**Mr DAVID SHOEBRIDGE (23:11:28):** In reply: I thank the Hon. Damien Tudehope and the Hon. Daniel Mookhey, who, on behalf of the Government and the Opposition respectively, contributed to debate on the Public Works Procurement Amendment (Workers Compensation Nominal Insurer) Bill. The bill has only become more urgent since we gave notice of it to the House. I will not repeat all the matters that the Hon. Daniel Mookhey put on the record about the very real additional concerns about the tendering practices in icare that have come to light since my second reading speech. But it is fair to say that our concerns have multiplied. I will correct the Hon. Daniel Mookhey on only one small matter in terms of the urgency of the bill: One of the most critical decisions about to be made by icare is whether the Employers Mutual Limited contract, as the single provider for workers compensation claims management, is extended for potentially another two years.

That decision is required to be made under the contract by the end of this month. So the passage of the legislation is extraordinarily urgent. If the contract with an insurer that has proven to be incapable of delivering the level of service needed to get injured workers back to work is simply rolled over without any external scrutiny

and without additional attention, which I would have thought the Treasurer would be desperately keen for, that decision could see thousands of workers each year continuing to be thrown on the scrap heap because of the incredible failings in the system.

I will address a number of matters that the Government raised in opposing the bill. It puts the unusual argument that the Nominal Insurer is a standard private insurer with private money, that it should not be subject to government controls and that it should not be covered by the tendering and procurement controls that all other parts of government are controlled by. That argument is unworthy of the Minister—and I doubt it was his own contrivance—for a number of reasons. Firstly, it is a statutory insurer created by statute and an Act of the Parliament. Secondly, it is a monopoly insurer in New South Wales unless permission is granted for either a licensed insurer or a specialist insurer.

Thirdly, the employers do not have a choice; it is compulsory that they provide a levy to the statutorily created monopoly insurer. Therefore, suggesting that it is a private entity with private money, which should not be subject to State Government tendering and procurement controls, and that it should be treated like a standard insurer is an unworthy argument and contrary to any basic understanding even though it is true that it is not the Government's money. True it is that every dollar rorted out of icare and shamefully expended on contracts where no proper tendering or procurement was put in place. True it is that all that money has come from employers in New South Wales and it is not Government money that has been handed out like confetti by the extremely highly paid icare executives, who are government employees.

True it is that it is not the Government's money, but that is all the more reason why procurement and tendering controls should be put on that money. The Government referred to \$21 billion of assets that icare manages through the Treasury Managed Fund, the sports insurance scheme, the home building scheme and the non-nominal insurer assets. All the contracts going through that part of icare's operations have to be covered by the procurement controls. But somehow there is a subset of icare's operations relating to the Nominal Insurer that is like the Wild West because the Government says it does not have to worry about tendering and procurement controls. You can have the Wild West when it comes to employers' money—it is a rules-free money as it goes, with a pay-the-spouse and pay-the-mate arrangement when it comes to employers' money in the nominal fund—but the Government says that the other \$21 billion of notionally government assets will have proper tendering and procurement controls.

In its argument for opposing to the bill, the Government implies that somehow icare has been a great result and that it created the scheme to produce icare, whose performance can be compared to the performance pre-icare. Reference is made to how the scheme was operating under Labor before icare—and we can revisit that argument about the global financial crisis in funding ratios and all of that. I do not think that is comparing apples with apples. Let us look at the solvency position of the scheme at the time when icare took over midway through this Government's tenure in 2015.

Up to 2015 the scheme had been run as a single entity; both the regulator and the insurer were a single entity. The Greens supported the legislation—I think it was unanimously supported—to split it into two entities, but that support was on the assumption there would be proper oversight and care. Four years into this Government's operations, icare was created. What was the funding ratio at the time icare was created? I will read a rather bizarre section from the press release that icare put out, trying to hose down the *Four Corners* story. The headline of the icare media release is "Statement on Four Corners and other reports". It goes into the history of the funding ratio, which is unusual, because the media release states:

The solvency position of the scheme was highest in 2015, just before icare started ...

So icare accepted that it got the scheme at the high water mark, at which point the funding ratio was at about 130 per cent. Bizarrely, it admitted that in its own media release when responding to the *Four Corners* report. What has happened since? The last formal notification from icare, which is in the report in May, not the letter the Treasury official sent, was that the insolvency ratio had fallen to 98 per cent. Thank you icare. At the time it was created, that was the high water mark for solvency ratio. After five years of this Ma and Pa Kettle operation—and maybe a few Lamborghinis—it is now down to 98 per cent. It has been a disaster. The management of icare has been nothing short of a disaster.

The Minister's contribution was: We do not want to put this sort of statutory control on icare's tendering and procurement process because "procurement is a matter for the board and senior executives of icare". It is true, it has been a matter for the board and the senior executives of icare. They have tendered with their spouses. They have tendered with their mates. They have tendered with the companies owned by one of their sons. They have tendered with companies controlled by their mates in previous business arrangements. It is because up until now procurements have been a rules-free process and a matter for the board and senior executives. The last time

I looked, in the last four years \$75,000 worth of personal gifts have been given to them by successful tenderers and contractors with icare, including international trips, Michael Bublé tickets and Google Homes.

**The Hon. Daniel Mookhey:** Ed Sheeran?

**Mr DAVID SHOEBRIDGE:** No, they drew the line at Ed Sheeran. They would not take Ed; I do not know why. I am not sure what the policy is that Michael Bublé is good but they would not go to Ed Sheeran. That was about the only thing they would not do. The only lunch or dinner or ticket that they rejected was poor old Ed. That is not what I call a coherent or principled tender and contracting policy. The bill was urgent when we moved it but it has become more urgent. The case for putting controls on icare and its tendering has only gotten stronger.

The Government quite rightly noted that one of the many concerns we have about the tendering and procurement from icare is that they use the get out of jail free card for dodgy tendering practices that apply to the Nominal Insurer to obtain tender-free contracts with their mates that then deliver services across the other insurance schemes that icare has. There have been repeated concerns raised with my office and with the Hon. Daniel Mookhey's office. They would be raised with the Minister's office and the Treasurer's office if they were willing to listen. That is another reason for concern.

Having a two-track system inside icare—where it can have a rules-free tendering process when it is dipping into employers' money in the Nominal Insurer, but is bound by government insurance and tendering requirements when it is dealing with government money—is a recipe for malfeasance. The report that my office has is that there is more information to come out in that regard about that kind of malfeasance in contracting within icare, where it uses the loophole to get around the tendering requirements that would otherwise apply.

I appreciate the House's time for the bill. There has been some critique today that we have not had sufficient policy discussion or policy debate. I cannot think of a more important policy debate to have than ensuring that the \$38 billion of public money and employers' money that is under the control of icare is properly scrutinised. We should do everything we can to ensure that money that is set aside for injured workers goes to injured workers and does not go to executive bonuses, does not go to imaginarians, does not go to somebody's mates and does not get spent in the way in which we have seen those appalling practices in icare. I commend the bill to the House.

**The PRESIDENT:** The question is that this bill be now read a second time.

**The House divided.**

Ayes .....20  
Noes .....16  
Majority.....4

#### AYES

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

#### NOES

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

#### PAIRS

Houssos

Khan

**Motion agreed to.**

#### Third Reading

**Mr DAVID SHOEBRIDGE:** I move:

That this bill be now read a third time.

**Motion agreed to.**

*Documents*

**SCHOOL INFRASTRUCTURE PROJECTS**

**Production of Documents: Order**

**The Hon. ANTHONY D'ADAM:** On behalf of the Hon. Courtney Houssos: I move:

That private members' business item No. 796 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ANTHONY D'ADAM (23:36:09):** On behalf of the Hon. Courtney Houssos: I seek leave to amend private members' business item No. 796 outside the order of precedence for today of which I have given notice as follows:

- (1) Omitting "21 days" and inserting instead "28 days".
- (2) Omitting paragraph (a) and inserting instead:
  - "(a) all reports and briefing notes on major school infrastructure projects in either the planning and/or the design phases; and".

**Leave granted.**

**The Hon. ANTHONY D'ADAM:** Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, created since 1 June 2020, in electronic format if possible, in the possession, custody or control of the Department of Education or the Minister for Education and Early Childhood Learning relating to School Infrastructure NSW projects:

- (a) all reports and briefing notes on major school infrastructure projects in either the planning and/or the design phases; 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.

There are over 70 projects in the planning phase and 26 in the design phase for which incomplete public information has been provided. This includes schools with time lines and projects that have not had updates provided in over a year. The Department of Education and the education Minister are not being transparent and upfront about the School Infrastructure NSW major projects. No information or time lines are being provided about School Infrastructure NSW projects stuck in a planning limbo.

There is a lack of transparent information about School Infrastructure NSW project delays and cost blowouts. The Minister and her department have failed to provide adequate information about school planning in growth areas, including the south-west Sydney and Box Hill growth areas. The education Minister has also refused to provide direct answers to reasonable questions on notice about school infrastructure in New South Wales, including refusing to provide information on project time lines. There is obviously a public interest in this information being available and I urge members to support the motion.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (23:38:00):** Given the later hour I will make a brief contribution and make only two comments. First, I want to acknowledge that we had the opportunity to speak earlier today with the Hon. Courtney Houssos, the original mover of this motion, to narrow the scope of the motion. The original motion on the *Notice Paper* was massive and it was unreasonable. I acknowledge that we had a conversation to narrow its scope. Part of that agreement was that the Government would not oppose the motion.

I take issue with one part of the Hon. Anthony D'Adam's contribution. He talked about us—and, in particular, me—not being transparent and not answering questions. We have had over 400 questions on notice so far this year. We had over 1,000 questions on notice coming out of budget estimates. I think the next portfolio in this House that has the most number of questions on notice might be the energy portfolio, which has about 70-odd questions. We are well in excess of any other portfolio in this place when it comes to answering questions on notice, but we do it. We are happy to be transparent because we have got a proud track record when it comes to infrastructure. We know that it takes time to plan and build schools. We have no problem with making this information available under Standing Order 52 and that is why the Government will not be opposing the motion.

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

**Motion agreed to.**



*Adjournment Debate***ADJOURNMENT**

**The Hon. SARAH MITCHELL:** I move:

That this House do now adjourn.

**SHARK FINNING**

**The Hon. EMMA HURST (23:40:13):** Millions of sharks are still being slaughtered for their fins, suffering prolonged and painful deaths for the sake of a disturbing so-called delicacy—shark fin soup. Finning a shark is not only a death sentence but the process is also extremely cruel. Fishermen slice off sharks' fins while they are still alive, holding them down as they writhe in pain and slowly suffocate on deck before dumping them overboard and leaving the traumatised animals, who are now unable to swim, to sink to the ocean floor. The horrific practice of finning sharks at sea is done exclusively for profit because fishers can bring in more fins than they would be able to if they took the full body of each slaughtered shark. Shark fins are still being sold in Sydney for a hefty \$1,000 price tag. In Australia live shark finning is illegal, yet because legislation differs between various States and the Commonwealth it is extremely difficult to monitor fisheries' compliance with shark finning legislation and sharks continue to be at risk of illegal finning.

In 2015 a boat was apprehended in Queensland waters carrying 3,200 shark fins, most likely destined for the black market. The fine given for the death of the 641 finned sharks was only \$7,750, putting the penalty for each animal at just \$12. That is hardly a deterrent for others thinking of engaging in such a horrific practice. In 2017 in New South Wales fisheries officers located and seized 40 kilograms of illegally obtained shark fins, revealing that hundreds of sharks are still being finned in our waters. Yet while live finning may be illegal in Australia, our laws continue to support and condone this cruel industry by allowing the export and import of shark fins. In the 2011-12 financial year Australia exported 178 tonnes of shark fins, which is the equivalent of approximately 89,000 shark fins. Australia also imported 41 tonnes of shark fin, which is the equivalent of another 20,500 fins.

Those figures are horrifying not only because they put into perspective how destructive the industry is—Australia ranks sixteenth in the world for imports of shark fin—but because they make clear the number of horrific live finning deaths we are sponsoring, given that we continue to allow the importation of shark fin. Genetic research has revealed that a high proportion of globally traded fins come from species that have serious conservation risks. By importing shark fin from overseas we are directly contributing to the slaughter of those endangered species, given our weak regulations on the labelling or mislabelling of those so-called products. Keep in mind it is an industry that is not only condemning millions of sharks to cruel and traumatic deaths but is also destroying our oceans. It is well recognised among experts that the international shark fin trade is responsible for the decline in shark populations. Sharks are especially vulnerable to overfishing because of their slow growth and relatively low rates of reproduction.

It is no wonder that nearly one-third of oceanic sharks are listed as threatened by the International Union for the Conservation of Nature. Sharks, which are dying in their millions, are apex predators. It is they who keep the critical balance of our oceans in check. Without them delicate ocean ecosystems will suffer and are already suffering unpredictable and devastating consequences, including the loss of marine diversity and declining food sources for scavengers. With sharks continuing to die in their millions and the future of our oceans at stake, we cannot continue to support this cruel and inhumane industry. It is time Australia took action to address the worldwide decline in sharks caused by the devastating shark fin trade. We must ban the import and export of shark fins. We must legislate and enforce tougher penalties for those who illegally kill for shark fins. We must make it an offence to sell food containing shark fins in New South Wales.

**NORTHERN RIVERS FOOD**

**The Hon. BEN FRANKLIN (23:44:29):** I am excited to inform the House about the magnificent organisation Northern Rivers Food. The organisation is made up of local producers in the Northern Rivers. It aims to connect the food industry with business and establish strong relationships with consumers and suppliers alike. The phrase "eat local, love local" underpins the organisation and is the driving force behind this wonderful initiative. Northern Rivers Food is at the forefront of agritourism across the far north coast. From distilleries and dairies to tasting experiences, restaurants, cafes and so much more, this incredible organisation is making sure local produce is ingrained in the experience of visiting the Northern Rivers. I am an unequivocal supporter of Northern Rivers Food and its goal to put the best produce from the far North Coast on the State, national and international maps. If members have tried any of their delicious food, they would know exactly why.

More than that, I believe in their vision. I believe in supporting regional businesses to grow and thrive. I believe in the opportunities that Northern Rivers Food is creating for our region. Because of this, in the lead-up

to the 2019 election I was able to secure a \$240,000 commitment to help officially launch the organisation, fund it for three years and cement its position as an industry leader. It was incredibly important to me that upon my return to this House the commitment I made to Northern Rivers Food was honoured. I was absolutely delighted to work with my friend and colleague in the other place, Minister Stuart Ayres, to make this vision a reality. On Thursday 10 September the Minister and I delivered \$240,000 to Northern Rivers Food, as promised. That is what happens when you have a strong Coalition. It is the Liberal-Nationals Government that is able to deliver on promises made to the regions.

It is the Liberal-Nationals Government that can afford to deliver on the promises made to the regions and is able to provide practical support to help our regions to grow, thrive and keep people employed. I would like to point out that it is still the Liberal-Nationals Government that is delivering for the seats that it does not hold. It is delivering for the whole of the State. Northern Rivers Food was born from the vision of the Brook family. In 1988 they purchased a run-down dairy near Byron Bay and have since transformed it into Cape Byron Distillery, home to the famous Brookie's Gin, which you can now enjoy in Parliament House. I am sure many members are aware of the magnificent brand Brookfarm and its extraordinary mueslis and other products. They have regenerated the land and planted over 35,000 subtropical trees at the Cape Byron Distillery, creating a beautiful rainforest for wildlife and the natural botanicals used in their gin.

**The Hon. Damien Tudehope:** They were at Parliament House last year.

**The Hon. BEN FRANKLIN:** They were indeed. I have been lucky enough to get to know Pam and Martin Brook and their family closely throughout my time as a member of this House. They are truly an extraordinary asset to the Northern Rivers and to New South Wales. Down to earth and dedicated to their cause, they are the reason Northern Rivers Food exists and continues to grow in leaps and bounds. Totally focused on paddock-to-plate experiences, all members of this wonderful organisation provide a plethora of amazing, locally grown food. They are pioneers in their field and it is an absolute pleasure to be able to support this organisation. Northern Rivers Food has grown to over 100 businesses, which all produce and sell products throughout the far North Coast. I acknowledge every one of the diverse businesses that make up Northern Rivers Food and contribute to culture that is unique to our area. I thank Brookie's Gin, Nimbin Valley Dairy, Zentveld's Coffee, Beach Byron Bay, Salumi Australia, Brookfarm and all the members involved for their passion and dedication to our region. I conclude today with the true belief that Northern Rivers Food will be the future of our region and that the best is yet to come.

## FEDERAL BUDGET

**The Hon. PETER PRIMROSE (23:48:55):** Up to 12,000 critical jobs could soon be lost in vital services such as housing and homelessness services, domestic violence and women's services, migrant and settlement services and child protection services if the Federal Liberal-Nationals Government fails to renew funding to close the pay gap in next month's budget. It is way past time for the New South Wales Liberal-Nationals Government to stand up and publicly demand action from its Federal Government colleagues. In 2012 the national pay tribunal awarded the community sector's mostly female workforce wage rises of 19 per cent to 41 per cent, phased in over eight years, in recognition that their work had been undervalued because of their gender. In December the final stage of the increase comes into effect, but the special Federal budget allocation, called the Social and Community Services Pay Equity Special Account, which is a dedicated pot of money for community organisations dependent on Federal support, will run dry next year unless it is renewed at an annual cost of around \$560 million.

Nationally, about 57,400 community sector workers are dependent on Federal funding. The Social Policy Research Centre at the University of New South Wales surveyed around 1,450 New South Wales community service workers, including over 400 managers and directors, about their likely response to the disappearance of supplemental pay equity funding. They found that the loss of those supplements was predicted to have many cascading impacts on service delivery, including reduced staff levels, redundancies and cutbacks in the quality and quantity of services delivered. It would also lead to further difficulties in attracting new staff to the sector. Wage levels are relatively low already and job insecurity is prevalent, so staff recruitment and retention is already a major challenge for the sector. In response to the survey, one agency CEO bluntly stated:

The impact on our organisations will be staff reduction, reduced service provision and ultimately less clients able to access the service.

Program directors and managers also reported that the loss of supplemental funding would directly undermine their efforts to strengthen and extend gender equity within their organisations. By precipitating a broader crisis in the financial stability of community service providers, the end of Federal pay equity supplements would have a strong negative impact on the broader progress towards a more equitable and sustainable community services sector. Community service providers do not have free resources that they can simply reallocate to fill the funding gap left by the disappearance of Federal pay equity funding, so the cessation of that funding will inevitably result

in contractionary measures by organisations, which would undo the spirit and the real gains of the pay equity award.

As recent research by the Australia Institute makes clear, the willingness and ability of working families to reinject their earnings into the economy through consumer spending is essential to any sustainable economic recovery. Reducing compensation for community service workers by hundreds of millions of dollars every year and/or eliminating thousands of jobs in the sector would impose another blow that the New South Wales economy cannot afford. The impact will be felt in regional communities in particular, which have been hit hard already by the ongoing migration of population and employment towards large cities, and the cumulative impact of economic and natural disasters, including drought, fires, floods and now the COVID pandemic.

For all those reasons—basic fairness for these workers, the quality and stability of care that they provide and the recovery of the present recession—it is vital that Commonwealth funding for pay equity in the sector be confirmed and extended. Of critical importance are the effects of the funding cut on the mental health of workers and their clients. Those jobs are incredibly stressful already. They are provided on the smell of an oily rag to the most vulnerable people in our community. Any cut to funding will magnify already identified service gaps and result in the loss of jobs, hours, qualified staff and services. The New South Wales Liberal-Nationals Government must demand publicly that its colleagues in the Federal Government ensure that the critical pay equity initiative remains fully funded. The community service cuts that Premier Berejiklian is prepared to walk past without publicly raising her voice are the job cuts that she is prepared to accept and the misery that she is prepared to condone.

### **SOUTHS CARES**

**The Hon. NATASHA MACLAREN-JONES (23:53:58):** I speak about Souths Cares and its Health and Wellbeing Steering Committee. Souths Cares is a not-for-profit organisation that supports disadvantaged and marginalised youth and their families through the delivery of programs that address a variety of important areas in a young person's life, including education, health and employment needs. Souths Cares was established in 2006 and is closely affiliated with the South Sydney Rabbitohs football club. It aims to support those working in the south Sydney catchment area through a variety of programs founded on the three pillars of education, employment, and health and wellbeing. The charity is assisting young people and has expanded to include 13 staff, with new premises located at Redfern and Liverpool. It is particularly focused on Aboriginal people and communities.

The New Careers for Aboriginal People program is one of the many incredible initiatives created by Souths Cares. Through training and education, the program assists Aboriginal people to overcome employment barriers. The mentoring program then helps to place individuals, while continuing to provide mentoring after they have secured employment. I acknowledge another Souths Cares initiative called the Deadly Youth Mentoring Program. That remarkable program provides at-risk Aboriginal youth with six months of intensive mentoring. Its particular focus is education, positive social activities and connecting with Aboriginal culture and community. Participants who make the most of the program are rewarded through incentives with the South Sydney Rabbitohs that money cannot buy, and attendance at the Souths Cares annual camp. In March this year the Health and Wellbeing Steering Committee was established to assist the development of Souths Cares. I am a volunteer member of the steering committee. Other members include community representatives from the education and not-for-profit sectors who are working to foster the Souths Cares program.

The committee's work includes the development of strategies to improve the delivery of the program, promote collaboration across multiple sectors, support internal and external program evaluation, explore opportunities for program funding and grow the impact of Souths Cares' health and wellbeing initiatives. The Souths Cares cornerstone program is the Rabbitohs Wellbeing Program, which was developed in 2017 following consultation with schools and community identifying themes such as bullying, poor diet, low levels of physical activity, peer relationships and social media. The development of the Rabbitohs Wellbeing Program involved changing the way in which Souths Cares delivered programs for primary school students, shifting from an external site delivery to program delivery in schools with a close alignment to the New South Wales school curriculum.

Several workshops focusing on those themes have been implemented. They include tackling bullying by equipping students with knowledge and skills to address it and Get Moving, which emphasises the importance of physical activity, healthy relationships, oral health, nutrition and surf safety. The program has also created hygiene workshops and mental health workshops in response to the impact of COVID-19 on young people. The workshops allow students to develop strategies and learn about social and emotional wellbeing during a crisis. They also provide hygiene practices in line with recommendations to limit the spread of COVID-19. The success of the program has been immense. Since the start of the year over 8,300 students have engaged with the program, despite the challenges associated with COVID-19.

Souths Cares has found ways to deliver the programs that engage students with important issues facing young people. Through the use of various digital platforms such as Google Classrooms and Zoom live streams, the Rabbitohs Wellbeing Program continues to provide support to students. One practical application of that technology is Souths Cares' 25- to 30-minute virtual fitness sessions to ensure that students get the physical activity they need. To date over 850 students have engaged in those virtual fitness sessions, further highlighting how Souths Cares continues to provide its services during these difficult times.

In addition to assisting metropolitan youth, Souths Cares runs regional health promotion tours to provide their services to young people in regional New South Wales. Whilst COVID has caused the postponement of some of this year's tours, Souths Cares aims to provide additional camps through digital regional tours with a particular emphasis on supporting regions that were significantly impacted by bushfires in 2019-20. Like many charities that have been impacted by COVID-19 and the restrictions that have been implemented to slow its spread, Souths Cares has demonstrated innovative ways of creating new content while still providing a quality service to assist young people. I commend its work.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** All I can say is: Go the Bunnies!

### **SIGN LANGUAGES**

**The Hon. PENNY SHARPE (23:58:49):** Go the Bunnies, indeed. Who knew that we had so much in common? I raise the issue of international sign languages and sign language, in particular. Approximately 72 million people across the world use sign languages, 80 per cent of whom live in developing countries. Collectively, they use more than 300 different sign languages. In Australia we are very lucky to have Auslan as the language that is spoken by the deaf community. It is estimated that around 20,000 Australians communicate every day in Auslan. We have seen how important Auslan is, not just for the deaf community but also—particularly in the past two years—the use of Auslan interpreters around the bushfires and COVID. It has been good to see the improvement in Government announcements using Auslan interpreters. I note that the Premier has an Auslan interpreter at every one of her daily updates. That is a good thing, but we still have a long way to go. Often it is not actually shown in the media, so the idea that someone can see what is being interpreted is problematic. We had to push hard at the beginning of the bushfires and the COVID pandemic to make sure that Auslan interpretation was present the whole time.

I also congratulate the work of The Deaf Society, which recently hosted the Colin Allen annual lecture that celebrates the work and life of Colin Allen, AM, who is very famous and has been a deaf community activist in Australia for a long time. He is the immediate past president of the World Federation of the Deaf and the honorary president of the International Disability Alliance. He has dedicated his life to the deaf community. Last week I was fortunate to participate in that lecture via Zoom. Caroline Conlon of the Australian Theatre of the Deaf gave the lecture. I recommend members read the transcript because there is much reflection on the importance of Auslan as a language, not just a signed spelling version of English. Caroline had a lot to say and I recommend it.

Finally, I make the point that the theme for International Day of Sign Languages is the Global Leaders Challenge, which asks all of us to recognise the importance of sign languages as natural languages that are not like spoken languages, but are just as rich and complex. We must preserve them to ensure that the people who use those languages have full access to the services, discussion and information-sharing that we as hearing people are able to get through spoken language. I wish everyone a happy International Day of Sign Languages and also recognise that today is the National Week of Deaf People in Australia. I thank Todd Wright, who is the outgoing chair of Deaf Australia, for giving me a tutorial in Auslan, which I have worked hard on and will attempt in my final comments: Happy International Week of the Deaf and I thank them for the International Day of Sign Languages.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The question is that this House do now adjourn.

**Motion agreed to.**

**The House adjourned at 00:03 until Thursday 24 September at 10:00.**