New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Seventh Parliament
First Session

Thursday, 15 October 2020

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday, 15 October 2020

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

The PRESIDENT read the prayers.

Motions

WORLD MENTAL HEALTH DAY 2020

The Hon. TARA MORIARTY (10:01:55**):** I move:

(1) That this House notes that:

(a) Saturday 10 October 2020 was World Mental Health Day, a day dedicated to raising awareness of mental health and encouraging people to reach out for help when they need it;

(b) the message of World Mental Health Day 2020 was for people to make a promise to look after their mental health and break the stigma of mental illness;

(c) many people in our community are experiencing mental health issues as a result of the COVID-19 pandemic and people are encouraged to reach out for support; and

(d) support services do vital work to help people suffering from mental health issues.

(2) That this House calls on the Government to expand and better resource mental health support services in New South Wales.

Motion agreed to.

Documents

ICARE AND STATE INSURANCE REGULATORY AUTHORITY

Tabling of Report of Independent Legal Arbiter

The Hon. DANIEL MOOKHEY (10:02:49**):** I move:

(1) That the second interim report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 24 September 2020, on the disputed claim of privilege on documents relating to an order for papers regarding Insurance and Care NSW and the State Insurance Regulatory Authority be laid on the table by the Clerk.

(2) That, on tabling, the report is authorised to be published.

Motion agreed to.

Motions

RUGBY CHAMPIONSHIP 2020

The Hon. NATALIE WARD (10:03:38**):** I move:

(1) That this House notes that:

(a) from 7 November 2020 to 12 December 2020 the Rugby Championship will be held in Australia, with five of the six rounds being played in New South Wales;

(b) the Rugby Championship will see some of the world's greatest rugby nations, Australia, New Zealand, South Africa and Argentina compete in a mini World Cup-style competition;

(c) Stadium Australia in Homebush, Bankwest Stadium in Western Sydney and McDonald Jones Stadium in Newcastle will be the venues for the five rounds in New South Wales; and

(d) the Bledisloe Cup, a four test competition between Australia and New Zealand, commences on 11 October 2020 and will be played across venues in Australia and New Zealand.

(2) This House wishes the Australian Wallabies every success in the Rugby Championship and the Bledisloe Cup.

Motion agreed to.

The PRESIDENT: Private member's business item No. 845 standing in the name of Mr David Shoebridge. Is there any objection to this being taken as formal business?

The Hon. NATASHA MACLAREN-JONES: I object.

Mr David Shoebridge: That is a genuine cover-up.

The PRESIDENT: The member will withdraw the comment.

Mr David Shoebridge: I withdraw it.

The PRESIDENT: Thank you.

CARERS WEEK 2020

Ms ABIGAIL BOYD (10:04:27**):** I move:

(1) That this House notes that 11 to 17 October 2020 is Carers Week.

(2) That this House notes that:

(a) there are over 2.65 million carers across Australia providing care to family members, friends and other members of their community;

(b) seven out of 10 primary carers are women;

(c) the rate of the Carer Payment provided to eligible carers by the Federal Government is below the poverty line; and

(d) people on the Carer Payment did not receive an increase to income support payments in March 2020 under the Coronavirus Supplement which was provided to people on JobSeeker, Youth Allowance, the Parenting Payment and six other payments.

(3) That this House affirms that:

(a) carers make an enormous contribution to our communities;

(b) caring is work; and

(c) the work that carers do in supporting others is undervalued, overlooked and not adequately compensated.

Motion agreed to.

Documents

TABLING OF PAPERS

The Hon. DAMIEN TUDEHOPE: According to the Annual Reports (Statutory Bodies) Act 1984, I table the report of the Audit Office for the year ended 30 June 2020. I move:

That the report be printed.

Motion agreed to.

ICARE AND STATE INSURANCE REGULATORY AUTHORITY

Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House this day, I table the second interim report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 24 September 2020, on the disputed claim of privilege on documents relating to Insurance and Care NSW and the State Insurance Regulatory Authority.

Committees

STANDING COMMITTEE ON SOCIAL ISSUES

Reports

The Hon. SHAYNE MALLARD: I table report No. 57 of the Standing Committee on Social Issues entitled *State Records Act 1998 and the Policy Paper on its review*, dated October 2020, together with transcripts of evidence, tabled documents, submissions, answers to questions on notice and supplementary questions and correspondence relating to the inquiry. I move:

That the report be printed.

Motion agreed to.

The Hon. SHAYNE MALLARD (10:06:15**):** I move:

That the House take note of the report.

It may well be a year before the House deals with the committee report, so I will say a few words. I was pleased to chair the inquiry by the Standing Committee on Social Issues into the State Records Act 1998 and the policy paper on its review. The terms of reference were referred to the committee by Minister the Hon. Don Harwin on 10 January 2020. The committee adopted the terms of reference on 11 March 2020. The committee was tasked with examining the State Records Act 1998 and the policy paper on its review, which identified a number of proposed reforms aimed at enhancing access to the stories of our great State's history. As part of a broader review

of the legislative and policy framework supporting the creation, preservation and access of our State's documentary and material heritage, the timely inquiry marked an innovative use of the committee process during the technologically challenging times of the COVID-19 pandemic.

The committee received 68 submissions and one supplementary submission. On 1 June 2020 the committee held a public hearing by videoconference, and on 1 July 2020 and 20 August 2020 public hearings were held in the Macquarie Room at Parliament House. Witnesses and members appeared at those inquiries via Webex and in person. On 27 July 2020 the committee conducted a site visit at the Museum of Sydney, which included a tour of the exhibition *A Thousand Words*. The committee toured the Western Sydney Records Centre at Kingswood and observed the digitisation activities and archive storage. Lastly, the committee toured Elizabeth Farm at Rosehill for a briefing on house-museum interpretation methodologies. As a mechanism for public consultation, the inquiry thus provided a means to canvass potential legislative changes and to explore different policy considerations with key stakeholders and with the wider public before proceeding with the new entity.

For the committee, that investigation was rooted in our State's deep and rich history, which is captured in the records and places that are worth protecting, sharing and learning from, and ones that should be enhanced. Unfortunately, there has been relatively limited access to those records to date. The key and only finding of the report is a strong support for the main proposal that was discussed during the inquiry: to create a new, single cultural institution to replace the existing State Archives and Records Authority and the Sydney Living Museums. Moreover, the committee believes the new cultural institution will strengthen and diversify access to, and engagement with, the history of New South Wales. The committee concluded that such an institution would be able to strengthen and diversify access to records and broaden engagement with the wider community in ways that we have not seen before, which includes the digitisation of records.

That will be a whole new way to bring the history of New South Wales to life, particularly for younger generations who may not be aware of the role of the State Archives and Records Authority. Notwithstanding that support, the committee understands that it is important that emphasis be placed on due diligence to be performed. The committee recommended that a comprehensive analysis of all aspects of the proposal be stipulated to create a new single cultural institution in place of the existing State Archives and Records Authority and Sydney Living Museums. The committee noted the importance of the new entity being built on strong legislative policy foundations. A number of recommendations were endorsed by the committee relating to ensuring that the new entity is properly funded. Its record-keeping and archival functions are clearly identified, its governance functions are inclusive of skill and expertise and its objectives are reflective of its statewide mandate.

The committee made additional recommendations relating to further proposed amendments to the legislation which support greater and more timely access to records, promote strategic records management and strengthen the regulation of record keeping through monitoring powers. Importantly the committee also made recommendations regarding partnership with Aboriginal people for the management and care of Aboriginal records. All of the recommendations of the committee looked to add to the development of the re-imagined approach to our documentary material heritage, one that will stand on the strengths of the State Archives and Record Authority and Sydney Living Museums to deliver a truly unique institution that is supported by robust legislation to collect, manage, preserve and provide access to government records, objects, buildings and places of interest to the people of New South Wales well into the future.

I thank Minister Harwin for his referral. I thank my fellow committee members for their participation and considered engagement throughout this inquiry: the deputy chair, the Hon. Daniel Mookhey, Ms Cate Faehrmann, the Hon. Ben Franklin, the Hon. Rose Jackson, the Hon. Taylor Martin, Reverend the Hon. Fred Nile and the Hon. Natalie Ward. I also thank all inquiry participants for providing their valuable evidence, knowledge and contribution to the committee. I thank the secretariat for its hard work and professional support as always but particularly during the pandemic period. I give particular thanks to Rhia Victorino and Stewart Smith. I commend the report to the House.

Debate adjourned.

Documents

TABLING OF PAPERS

Ms ABIGAIL BOYD: By leave: I table a document comprising a printout of the names of the 699 residents of the Northern Rivers region who have signed an online petition concerning an inquiry into the Transport Administration Amendment (Closures of Railway Lines in Northern Rivers) Bill 2020. I move:

That the document be printed.

Motion agreed to.

Irregular Petitions

NORTHERN RIVERS RAIL SERVICES

Ms ABIGAIL BOYD: I move:

That standing and sessional orders be suspended to allow the presentation of an irregular petition from 60 residents and visitors to the Northern Rivers region of New South Wales requesting that the Government provide regular commuter train services, extending to Tweed and the Gold Coast, immediate repair and extension of the Casino to Lismore service and the purchase of sufficient diesel rail cars to operate a train service from Lismore to Brisbane.

Petition received.

NORTHERN RIVERS RAIL SERVICES

Ms ABIGAIL BOYD: I move:

That standing and sessional orders be suspended to allow the presentation of an irregular petition from 3,608 residents and visitors to the Norther Rivers region of New south Wales stating the region has no effective public transport system for the use of business, tourists and residents and requesting that the Government provide regular commuter train services, extending to Tweed and the Gold Coast, immediate repair and extension of the Casino to Lismore service and the purchase of sufficient diesel rail cars to operate a train service from Lismore to Brisbane.

Petition received.

Petitions

PETITIONS RECEIVED

Northern Rivers Train Services

Petition stating that Northern Rivers region has no effective public transport system for the use of business, tourists and residents and requesting that the Government provide regular commuter train services extending to Tweed and the Gold Coast and an immediate repair and extension of the Casino to Lismore service, received from **Ms Abigail Boyd.**

Announcements

COMMONWEALTH PARLIAMENTARY ASSOCIATION

The PRESIDENT: I inform honourable members that the annual general meeting of the New South Wales branch of the Commonwealth Parliamentary Association will take place at 11.00 a.m. in the theatrette. By convention, the quorum is 10 members from each House. I therefore encourage all members who are not speaking or on duty in the House at 11.00 a.m. to attend the AGM, which is expected to be a brief meeting.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That business of the House notice of motion No. 1 be postponed until Tuesday 20 October 2020.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That Government business orders of the day Nos 1 to 6 be postponed until a later hour.

Motion agreed to.

Privilege

EXECUTION OF SEARCH WARRANTS BY THE AUSTRALIAN FEDERAL POLICE

The Hon. PETER PRIMROSE (10:24:14**):** I move:

(1) That this House, having considered Report No. 80 of the Privileges Committee entitled *Execution of search warrants by the Australian Federal Police*, dated October 2020:

(a) adopts the recommendations of the report;

(b) upholds the claim of parliamentary privilege made by the Hon. Shaoquett Moselmane, MLC, in relation to 12 items from the 119 items of evidence currently held by the Clerk of the Parliaments, listed at Appendix 4 to the report;

(c) orders the Clerk of the Parliaments to:

(i) return the items referred to in paragraph 1 (b) to Mr Moselmane within seven days of the passing of this resolution; and

(ii) return the remaining 107 items in his possession, on which the claim of parliamentary privilege has not been upheld, to the Australian Federal Police within seven days of the passing of this resolution.

(d) reaffirms that this House is the appropriate forum for resolution of issues of parliamentary privilege, including documents and things seized by search warrant.

(2) That this resolution be communicated by the President to the Commissioner of the Australian Federal Police and to the legal representative of Mr Moselmane.

This motion reflects the action items that arise out of the report of the Privileges Committee that I tabled in this House and spoke to on Tuesday. I will not take the time of the House to reiterate the same points. However, as with the reports from the Privileges Committee that I tabled in 2003 and 2004 on the Breen matter, these again were unanimous recommendations of the committee that were taken seriously by the House because they reflect a fundamental right of the House: privilege.

I urge all honourable members to consider very seriously the matters raised in the report and to support the action items that have been recommended as a consequence of that report. I again thank all members of the committee for the non-partisan and professional nature in which the committee, as always, undertook its work. I particularly mention my appreciation of the Clerks for their work and expertise on this matter. I thank again the parties to this matter—the Australian Federal Police for their professionalism and the professionalism of the Hon. Shaoquett Moselmane and his legal team to ensure that the outcome of the matter was an agreed outcome. There was no attempt by the committee to impose an outcome on any of the parties. It would be remiss of me to not highlight the contribution made by one member of the committee, which I am particularly grateful for. The Hon. Trevor Khan provided invaluable support to the committee in relation to process. We all appreciate his expertise and contribution to ensure that all parties came to an agreement on the outcome. I commend the motion to the House.

The Hon. TREVOR KHAN (10:27:02**):** This is perhaps one of the more important motions that come before the House. As the Hon. Peter Primrose has pointed out, essentially the last time the issue was dealt with in any substantive way was in 2003 and 2004 in the Breen matters. As some members will be aware, the Australian Senate has dealt with the matter in more recent times—I think it was in 2018—in regards to Senator Stephen Conroy, a matter that had some significant parallels. The Senate inquiry that was undertaken drew very significantly upon the work that had been undertaken by the New South Wales Privileges Committee in 2003-04 when it was led by the Hon. Peter Primrose. Whilst they somewhat refined the tests to be adopted, there has been now the development of a degree of jurisprudence with regard to how such matters should be dealt with in this case and into the future.

I note that this matter would not have run as smoothly as it did if it had not been for the contributions of the active parties in the matter, particularly the way in which the Australian Federal Police dealt with the matter at first instance when it sought to execute the warrants. I know there are issues about publicity and the like, and that is dealt with, but the Australian Federal Police showed a significant degree of respect for the privileges of the House. It should be commended for the manner in which it dealt with the matter. We could have ended up in a much more awkward position than we did if it had sought to be robust on those matters, but it was not. When the committee was dealing with the matter, the legal team of the Australian Federal Police dealt with it with a degree of finesse and expertise, which was very helpful for the committee as well.

I also note that when the documents were received and privilege was first claimed, there were 107 documents on which privilege was initially claimed. When the matter first came before the committee I was concerned about how we were going to wade through 107 documents to reach a position. It is to the credit of the Hon. Shaoquett Moselmane and his legal adviser who, when invited to provide a formal submission on the matter, refined the list of privileged items to just 12. When looking at the list of documents that was agreed, I was very comfortable that 11 of those 12 documents were clearly privileged. They were in the nature of speeches that were given in the House and appeared in *Hansard* and were self-evidently covered by the privileges test. The twelfth item, which I think is item 14, was not so clear and potentially presented the committee with the problem of having to inspect the document. But when the submission of the Hon. Shaoquett Moselmane's lawyer was provided to the Australian Federal Police, all 12 were quickly conceded.

We did not need to take it any further at that point because it was clear that with only 12 documents, and particularly considering the nature of the other 11, we could have embarked on a rabbit hole exercise with no clear purpose. I thank the Clerks for their expertise. The assistance they gave to the committee was invaluable. It demonstrated that this House relies very much on the expert advice that it receives from the Clerks to operate effectively. I encourage all members of this House to read the report as some matters remain outstanding. During my short time as chair of the Privileges Committee we sought to deal with the matter of the memorandum of understanding with the Independent Commission Against Corruption but we had no luck updating it.

The Hon. Peter Primrose mentioned that we have a hole in our memorandum of understanding because while it deals with documents seized from within Parliament, it does not deal with documents seized from a member's home or in other circumstances. As we have seen in this matter, that creates a significant potential issue going forward and the House might reconsider it going forward. Finally, I thank the Hon. Peter Primrose who once again demonstrated as chair of this committee how members across this Chamber can work cooperatively to enhance not only the standing of the Privileges Committee but also the standing of this Chamber. It is always a pleasure to work with the Hon. Peter Primrose and I hope to do so again in future.

The Hon. NATALIE WARD (10:33:30**):** As a relatively new member of this House and particularly of this committee, I thank the other committee members. I acknowledge the leadership of the Hon. Peter Primrose, his chairmanship of this committee and his experience in this matter. Although it was a delicate matter, it could have been quite a difficult one too, but members steered the committee calmly and courageously, which I greatly appreciated. For my sins, I am a nerd and am very interested in this committee. Maintaining the privileges of this House and the distinction between it and other bodies as well as the traditions from which it arose are extremely important.

I acknowledge the contribution of the Clerks, whose advice during the process was invaluable. I learnt an enormous amount. I also acknowledge the Hon. Trevor Khan and the other committee members who, by their experience and contribution, showed the very best of this House and what it can achieve with members working constructively, collaboratively and courageously in sometimes fraught circumstances. I hope we do not have too many of these matters to consider in future but it was an experience to be part of it. I appreciated the courtesy shown to the member in question and to other members. This House can be quite combative at times but on this occasion we were all aware of the need to be collaborative. I commend the report and its recommendations to the House. I know there is some work to do going forward.

The Hon. MARK LATHAM (10:35:23**):** Based on this report, I firmly believe the time has come for the Hon. Shaoquett Moselmane to return to this Chamber. Nobody elected by the people of New South Wales should be expunged from the democratic process unless they have been convicted, or next level down, suspended.

The Hon. Damien Tudehope: Point of order: I do not know how this arises from the report. This is a substantive matter perhaps for another day.

The PRESIDENT: I do not uphold the point of order. I have already reported to the House the letter from the Hon. Shaoquett Moselmane, which indicated he excused himself from the House based on what was occurring and what was reported to the Privileges Committee. I assume the Hon. Mark Latham will link what he is telling us to the report.

The Hon. MARK LATHAM: Yes. It arises very much from the report and the rights and privileges of a member of this place. I am not a member of the Hon. Shaoquett Moselmane's party and I do not share his political beliefs, but it is an important principle that no member democratically elected by the people of New South Wales should be expunged from their parliamentary service and duty unless they have been convicted, or next level down, charged, or next level down, been the subject of a public statement of wrongdoing from the Australian Security Intelligence Organisation or, in this case, the Australian Federal Police [AFP].

We are now six months into this and we have a massive problem in New South Wales of legal and quasi legal tribunals holding members of Parliament in limbo. The circumstances of John Sidoti in the other place are a disgrace. ICAC needs to produce some reports and fulfil its public duty. In this case the AFP and ASIO have a responsibility to expedite their investigations and publicly air their findings in a fully professional and thorough way and acknowledge that they cannot hold a member of Parliament in limbo. I want the Hon. Shaoquett Moselmane to hear this message because he must have been through a terrible experience. I heavily criticised his foolish comments about the Chinese at the beginning of the pandemic. I heavily criticise any form of Chinese political interference and I mentioned his staffer just yesterday. But unless there is a public statement of wrongdoing at the bare minimum, the honourable member has a democratic right to return to this Chamber. He should not feel shamed or embarrassed or somehow humiliated to walk back into this place that the people elected him to.

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

Motion agreed to.

Bills

LIQUOR AMENDMENT (24-HOUR ECONOMY) BILL 2020

Second Reading Speech

The Hon. CATHERINE CUSACK (10:39:57**):** On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce the Liquor Amendment (24-Hour Economy) Bill 2020. The bill is part of this Government's vision for a vibrant, modern and safe 24-hour economy. When we started developing these laws late last year, we could not have predicted that a pandemic was about to sweep across the globe. As we chart a path towards economic recovery, now more than ever, we need to focus on supporting business through smarter, data-driven regulation.

On 28 November 2019 this Government announced an important package of liquor law reforms. The initial reforms commenced on 14 January this year. They included removal of patron lockouts and drinks restrictions from venues in the Sydney CBD precinct. Those reforms represented the first stage of the Government's response to the Joint Select Committee on Sydney's night time economy.

Furthermore, exhibiting the New South Wales Government's nuanced and considered approach to invigorating the 24 Hour Economy in our great city, on 14 September 2020 the Treasurer and Minister Ayres announced the 24 Hour Economy Strategy. This Government understands that the night time economy is about so much more than alcohol. The Strategy recommends 39 actions across five strategic pillars that will reduce red tape, improve mobility across our city and make it an easier place to do business and go out at night. These action items will be implemented over the coming months and years to support the recovery of our economy and we come out of the COVID-19 pandemic.

Today, the Government is introducing a bill to support the Government's response. The bill will implement the measures in our liquor reform package that required public consultation, targeted stakeholder discussions and legislative change. We plan to phase these new reforms in from December this year onwards.

The next stage of the Government's response, which I intend to present to Parliament in the first half of 2021, will involve further consolidation and simplification of liquor licensing and planning laws, consistent with recommendation 15 of the Committee's report. This aligns with the Government's desire to deliver a "Service NSW approach" to business regulation. Whether it is digitalisation of the planning system or modernising outdated liquor laws, we want to make dealing with Government as painless and seamless as possible for business.

The measures in the bill will provide important foundations to support and invigorate the 24-hour economy. These will be built upon significantly in future through the comprehensive initiatives in the Government's new "24-hour Economy Strategy".

This bill has four key components. Schedule 1 of the bill establishes an integrated incentives and sanctions system for licensed venues. Schedule 2 provides a framework to help manage assess liquor licence applications through "Cumulative Impact Assessments". Schedule 3 enhances the regulation of same day alcohol delivery. Schedule 4 supports small bars by making it faster and easier to begin trading and to offer more diverse, family oriented services. It also makes a range of other miscellaneous changes, including to make it easier for venues to obtain approval to offer live music and entertainment.

I now turn to the detail of the bill.

Schedule 1 - An enhanced incentives and sanctions system

Schedule 1 of the bill establishes a new integrated incentives and sanctions system.

Over the past 10 to 15 years, we have seen an accumulation of well-intentioned laws designed to curb anti-social behaviour, violence and other negative impacts relating to excessive consumption of alcohol.

While these laws have served their purpose, we are now in 2020 and it is incumbent upon us to try to find a better way.

We are confident there is a better approach and we believe that is achieved in this bill through the consolidation of the existing Three Strikes, Violent Venues and Minors Sanctions schemes into a single, integrated system based on demerit points. The new system seeks to reward and incentivise well run venues, minimise violence and reduce serious contraventions of the liquor laws.

There is already a comprehensive range of offences and penalties under the Liquor Act, enabling the police and regulators to take action against businesses and individuals who do the wrong thing. The new system will see the most serious offences subject to higher penalties and carry greater consequences.

Under the new system, demerit points will be imposed in two ways. First, demerit points are automatically incurred for the most serious liquor law breaches. These "demerit offences" include, for example, permitting intoxication or violence on licensed premises. Selling or supplying liquor to a minor will attract double demerits. This reflects the serious nature of this offence and the Government's continued commitment to minimise risks of harm from alcohol to minors.

Demerit points will attach to licensees and managers of licensed premises, except for registered clubs where demerit points will be incurred against a club's licence. This is consistent with the approach under the existing Three Strikes scheme and directly targets the irresponsible operators in breach of the liquor laws.

Second, demerit points can be imposed by the Independent Liquor and Gaming Authority where there is a pattern of serious incidents or ongoing compliance concerns with a venue. Under a "prescribed complaint process", the Secretary of the Department of Customer Service, or the Commissioner of the NSW Police Force, can make complaints to the Authority about these "priority venues".

Complaints can be made by police or regulators where venues are observed encouraging risky drinking, permitting frequent intoxication or violence, or putting public health or safety at risk.

The Authority can decide to impose one or two demerit points for a prescribed complaint, after taking into consideration a range of factors such as the nature and seriousness of the complaint as well as size and patron capacity of the venue. The current complaint procedures for disciplinary matters under Part 9 of the Liquor Act will apply, providing procedural fairness.

I am pleased to say this new system also introduces positive incentives to encourage well-managed venues and ongoing good behaviour. The Government wants to recognise these venues and the fundamental role they play in shaping a 24-hour economy that is both safe and vibrant. This is consistent with recommendation 26 of the committee's report.

Under the bill, venues that maintain a clear record with no demerit points will be entitled to discounts on their annual liquor licence fees. This includes a five percent discount on the base fee and the trading hours risk loading after three years, increasing to a 10 per cent discount after five years.

Venues where demerit points have been incurred or imposed will not be eligible for the discount. In fact, they will have to pay additional licence fees as part of their annual compliance risk loadings. In this way they will contribute more towards the costs of regulating the industry.

The Government will maintain a public register of active demerit points. As demerit points accumulate, Liquor & Gaming NSW will intensify its engagement with venues and can increase its monitoring and supervisory efforts.

After two or more demerit points, the Authority will also do a case review to carefully examine the circumstances and may take additional remedial action as demerit points increase. This is similar to existing approaches under the Three Strikes and Minor Sanctions Schemes.

The Authority may consider a range of factors when deciding whether to take remedial action. This includes whether the venue has been proactive in making changes to address the issues and, importantly, whether these changes are working. Venues will receive a notice of any proposed remedial action. They will also be given the opportunity to respond with submissions.

The scope and severity of this remedial action escalates as demerit points increase. Actions range from a reprimand and imposing new licence conditions and training requirements, up to a temporary licence suspension or – for registered clubs – disqualification of the club secretary or a governing body member.

Demerit points will automatically expire after three years. However, licensees and managers can apply to the Authority for early removal in certain circumstances.

The Authority can consider immediate removal of a demerit point where licensees and managers show they took steps to address the related risks and have a long record of good compliance. However, immediate removal is not possible for demerit offences that involve serious harm to a person or selling or supplying liquor to a minor. In other cases, licensees and managers will need to wait at least 12 months before they can apply to remove demerit points. This is so they can demonstrate over that time they have actively addressed the risks that led to the demerit point by taking appropriate measures.

The bill ensures demerit points that are removed early can be reinstated if, for example, false or incomplete information was provided during the application process. Local police and the local consent authority will be given reasonable opportunity to make submissions on applications to remove demerit points.

There is a right of appeal to the NSW Civil and Administrative Tribunal on decisions by the Authority to take remedial action, and on applications to remove demerit points.

This new integrated system aims to incentivise positive behaviour, while making it easier for venues to understand and comply with their obligations. It is a risk-based regulatory approach that will support the Government's vision for a safe, vibrant 24-hour economy.

Schedule 2 - A new cumulative impact framework to manage density of licensed premises in areas of concern

I now turn to Schedule 2 of the bill, which introduces a new framework for issuing Cumulative Impact Assessments.

This evidence-based framework will help manage the density of licensed premises in areas of concern, particularly for higher impact premises such as hotels, clubs, nightclubs and bottle shops. It aims to address related cumulative impacts that may arise in the community, including the risks of alcohol-related violence and anti-social behaviour.

The bill empowers the Independent Liquor & Gaming Authority to publicly issue a "Cumulative Impact Assessment". It can do this after carefully examining the density or amount of late night trading premises in a particular area. The Authority may issue an Assessment if, due to the existing issues or risks, it considers that granting further licences or late night trading in that area is likely to be inconsistent with its existing duty under the Liquor Act to ensure community well-being.

The Assessment must include a map of any such "Cumulative Impact Area" along with relevant data and evidence used to inform the Authority's opinion. Assessments will be informed by geo-spatial data and tools to map venue density and potential related impacts on the community, such as alcohol-related violence, crime and offensive behaviour. This allows for a nuanced assessment of the impacts and risks down to a "block and street" level.

Issuing of a Cumulative Impact Assessment will create a strong presumption against the Authority granting applications for new licences or approving more late-night trading in any identified Cumulative Impact Areas. But the Authority is not automatically prevented from approving these applications. Like all applications under the Liquor Act, the Authority will consider each application on its own merits.

Applicants that show sufficient evidence of an overall positive social impact on the community in a Cumulative Impact Area will still be able to obtain approval – for example, where a proposed new licensed venue shows it will add some unique or innovative offering that substantially benefits local residents, visitors and the 24-hour economy beyond what is already offered by others in that area. This is part of the New South Wales Government's commitment to diversity, safety and vibrancy in the night time economy, complemented by actions in the 24-hour Economy Strategy, Importantly, appropriate harm minimisation measures to mitigate risks must be also be shown.

In the first instance, this new framework is planned to apply to the Sydney CBD and Kings Cross precincts, replacing the blanket licence freeze that currently applies under the Liquor Act. Reflecting this, the bill initially limits the use of the framework to the City of Sydney Local Government Area. This move is expected to allow certain applications to be considered for the first time in over 10 years. This measure is consistent with recommendation 35 of the Committee's report.

This initial focus reflects the Government's view that it remains essential for a safe and vibrant 24-hour economy in Sydney for density issues in the precincts to be managed in a clear and transparent way. In a way that accounts for evidence, data and community views, and uses more advanced geo-spatial tools.

The largest concentrations of licensed premises are found in the City of Sydney. Hotspots for alcohol-related violence and anti-social behaviour have continued in some pockets of the precincts despite the overall reductions in violence observed there over time. It is important that these areas are carefully managed.

The bill establishes formal consultation, publication and review requirements for Cumulative Impact Assessments. This is to ensure a robust approach. An Assessment may only be issued by the Authority after consultation with peak industry bodies, the relevant local consent authority, NSW Police, the Ministry of Health, local residents and businesses.

Assessments must be published on the Liquor & Gaming NSW website. Each published Assessment must also be reviewed within the first 12 months, and at least two years thereafter. This is so they can be informed by the most relevant data, evidence and stakeholder feedback. The Authority may at any time vary or revoke an Assessment, provided there is consultation.

It means that decisions affecting a particular local area will be undertaken within clear parameters and a shared understanding of the evidence.

The framework is provides certainty for industry. It means that someone looking to open a new business, or expand their current operations, knows what to expect from the start. This will avoid a business taking out a lease on a premise, engaging lawyers or planners or architects, applying for a development consent and all the costs associated with this, only to find out that the liquor licensing authority is not minded to approve their liquor licence application.

With this new framework the Government continues working to maintain community safety and support business activity. Once supporting processes and consultation are well established the Government could consider expanding its use to other high-risk areas by amending the regulations.

I wish set on the record some concerns raised by Retail Drinks Australia, on behalf of the package liquor industry, in relation to the application of the Cumulative Impact Assessment framework and the livedata tool which will underpin ILGA decision making on licence applications.

I appreciate RDA's advocacy on behalf of its members and their desire for certainty in relation to licensing decisions.

RDA has requested a review of CIA framework and livedata tool be conduct 12 months after the commencement of the new laws.

I can confirm our commitment to working with them and other stakeholders to refine, enhance and review the CIA framework and the functionality of the livedata as we transition in these new laws.

Schedule 3 - Enhanced regulatory framework for same day alcohol delivery

I now turn to Schedule 3 which introduces an enhanced regulatory framework for same day alcohol delivery.

Changes in technology and consumer demand for fast and convenient online delivery services have seen the growth of the online alcohol sales market and same day alcohol delivery options around Australia. There are clear regulatory gaps here that need to be filled.

The Government wants to ensure that regulation of the sale and supply of liquor in New South Wales keeps up with emerging trends. The bill introduces the first targeted regulatory framework of its type in Australia for same day alcohol delivery, with a range of measures to manage risks of minors or intoxicated people accessing same day alcohol. The bill lifts related standards so they are more comparable to the requirements imposed on licensed premises.

A key focus of the new framework is to ensure same day delivery providers – that is, those offering alcohol through fast or same day delivery – manage the risks associated with their business. This will include existing licensed businesses and food delivery platforms. It will include private individuals that agree to make deliveries using task matching platforms.

We know there are currently weaknesses at the point of sale. For example, some sellers do nothing more than ask a customer to tick a box saying they are 18 years or over. The bill helps to address these by ensuring same day deliveries must only be provided to an adult who has been nominated at the time the alcohol is purchased.

Currently there are few regulatory controls at the point of delivery. There is no mandatory requirement for physical ID to be checked, and same day deliveries ordered online may still be left unattended if that is what the customer has requested. Delivery drivers do not need to complete responsible service of alcohol training.

What we currently have is a regulatory framework that was not designed with the emerging same day delivery market and its attendant risks mind. Just as Governments have had to act quickly to fill gaps in regulation exposed by other technology enabled businesses such as Ride Share, we must also act quickly to update our liquor laws to ensure they are fit for purpose in a world where online alcohol sales and delivery continue to grow in popularity.

Under the bill anyone accepting a same day delivery needs to produce certain evidence of their identity and age. It will be an offence if a provider does not obtain acceptable evidence before delivery occurs. Depending on the circumstances, acceptable evidence will take the form of an evidence of age document or a signed declaration.

Unless you could reasonably believe the recipient to be over 18, a check of an evidence of age document – such as a driver's licence – must now occur before the delivery can be completed. To ensure compliance with this, providers will need to put in place robust practices for sighting ID. For example, this should at very least include ID checks for anyone that looks under 25, in line with RSA standards at bricks-and-mortar venues. Providers may also adopt more advanced identity and age verification systems to support compliance as these technologies further mature.

A recipient who is clearly not a minor can produce ID, or provide a signed declaration as another option to confirm their identity and age. This covers people who may not have valid proof of age documentation. The bill allows for regulations to prescribe requirements for appropriate recordkeeping where declarations are provided. Delivery staff and agents remain open to prosecution for delivering liquor to a minor where there are not reasonable grounds to believe a person was over 18.

Other changes in the bill also mean same day alcohol must not be delivered to an intoxicated person. And, it cannot be dropped off to people in public areas that are alcohol-free zones, alcohol-prohibited areas or restricted areas where alcohol cannot be consumed. Same day deliveries will also not be permitted after standard state-wide cut-off times for the sale of take-away alcohol, beyond midnight from Monday to Saturday and 11 00 p.m. On Sunday. Collectively, these measures will further address risks at the point of delivery and provide more certainty for industry and the community about what is expected in this environment.

The bill ensures providers must keep records for at least one year when delivery has been refused because the intended recipient was a minor or intoxicated person, or the person nominated at the point of sale was not able to be identified at the time of delivery. Like incident registers for licensed premises, this record must be available for NSW Police or Liquor & Gaming NSW to inspect. This will assist with monitoring of the sector and compliance with the new rules.

The bill ensures same day delivery providers cannot financially penalise delivery staff or agents for these non-deliveries. But staff and agents must have taken any reasonable agreed steps to return the alcohol to the seller. This reduces the potential for delivery drivers to break the law because the alternative is to miss out on your pay.

The Government wants to ensure people making same day deliveries have the right skills to effectively comply with the new rules. And, the skills to identify and refuse delivery to minors and intoxicated people and manage their own personal safety. To address this, the bill imposes new requirements on providers to ensure employees and agents carrying out same day deliveries complete "Responsible Supply Training". This will be the first, tailored course in Australia focusing specifically on the rapid alcohol delivery market.

The bill includes provisions to support the phasing in of this training. It outlines what the training will need to cover, and allows for regulations to be made to support its delivery using standardised course material. Providers can be held liable for breaches of the new same day delivery rules by employees and agents unless they can demonstrate that staff have undertaken the new training.

Under the bill all providers will need to ensure they have a pathway for customers to self-exclude from that provider's same day delivery. This is an important additional measure to minimise harm for people in vulnerable situations. Providers must comply with these self-exclusion agreements, whether a person has asked for temporary or permanent exclusion.

The Government wants to ensure that all businesses providing same day deliveries in New South Wales comply with these new rules. Currently, a business licensed in another State can store liquor in New South Wales and offer same day delivery to New South Wales residents, using its interstate licence for the sale. These businesses are outside the reach of New South Wales regulators and do not contribute to the cost of regulating same day deliveries in the State. Under the bill these businesses will need to comply with the new measures. Interstate operators selling liquor as part of same day deliveries will be required to hold a New South Wales licence, so our State liquor laws apply and they contribute to the regulatory costs.

As a part of Government's better regulation practices the new same day regulatory framework will be reviewed after two years.

Schedule 4 - Other changes that remove red tape and improve how industry is regulated, including small bar and noise reform

I now turn to Schedule 4 of the bill which contains a range of reforms to remove red tape, improve how industry is regulated and invigorate the 24-hour economy.

Small bar and minors

These proposed new laws build on the Government's ongoing backing of small bars, which have seen the number of these small, lower-risk businesses growing year on year. The reforms provide measures to help small bars continue to prosper as an essential part of our State's 24-hour economy.

The bill enables small bars to offer family-orientated and diverse services for customers. Small bars that regularly provide meals in seated areas from their opening time until 10pm will be permitted to have minors in the company of a responsible adult during those times.

Small bar licensees will be able to apply to the Authority for a new "Minors Authorisation" if they wish to provide services that cater to families or minors in a broader range of circumstances or times up until midnight. The regulations may prescribe the purposes or circumstances in which the Authority must refuse a Minors Authorisation.

This change will support these small businesses, which can have up to 120 patrons, to operate diverse business models beyond bar services, such as small arts venues, galleries, bookshops or record stores. It means the small bar licence can be used more flexibly by small venues to provide a mix of activities and entertainment that caters to a range of ages, lifestyles and cultures.

Small bars must display a notice indicating whether minors are allowed on the premises, between what times and for what purpose. Venues can easily opt-out by displaying a notice which indicates that minors are not permitted. The bill clarifies related defences for minors and licensees should a minor enter or remain on small bar premises.

Greater alignment of licensing and planning approvals for small bars

The bill streamlines the application process for the low-risk small bar licence by introducing an "interim small bar authorisation".

Where an operator has already gone through a public consultation process as part of the planning application approval for a small bar, we think they should be able to commence trading as soon as their liquor licence application is lodged.

A streamlined process in the bill allows for this. It replicates the existing interim restaurant authorisation for licensed restaurants and cafés under the Liquor Regulation. This will be a welcome move for small businesses keen to start up and contribute to the 24-hour economy.

The fundamental idea here is that low-risk venues like small bars, restaurants and cafés should not have to undertake further multiple stages of public consultation in order to operate.

To ensure the proposed operation of the small bar is subject to appropriate scrutiny, small bars will need to notify the local police and the Secretary of the Department of Customer Service within two days of lodging their development application.

Small bars that require a Community Impact Statement with their licence application are not eligible to use this fast-tracked approval process. However, a Community Impact Statement only applies in limited circumstances for a small bar. It will only be needed if the required notification to local police and the Secretary has not occurred when lodging a development application, or where an application seeks extended trading hours between 2am and 5am.

Where a small bar does commence trading using an interim authorisation, they will need to notify the local police and local council at least two days before they open.

This risk-based approach cuts red tape while ensuring there are appropriate channels for stakeholder feedback around potential impacts and related management plans, before a small bar begins trading.

Repealing and reviewing outdated conditions; removing regulatory overlap for live music and entertainment noise

The bill seeks to encourage a vibrant and diverse nightlife where live music and entertainment thrives. Further, the wider Strategy looks aims to increase accessible spaces for small scale cultural pop up events to create jobs and further contribute to the diversity of our night time offering.

The bill automatically removes certain outdated licence conditions that unnecessarily limit music and performance. This includes restrictions on the genre of music that may be played or performed, the number of musicians on stage, or the types of instruments used.

Application fees will be waived for licensees who apply to the Authority to remove or vary other historical licence conditions that restrict live entertainment. This allows the Authority to consider venues' current circumstances. At the same time the bill prevents entertainment conditions from being imposed on most liquor licences in the future, unless in response to a disturbance from the local council or the Commissioner of Police, or if the condition relates to adult entertainment.

Currently up to 7 government agencies and bodies are responsible for managing noise. This causes confusion and frustration for the community. It creates unnecessary complexity for venues. Reducing the regulatory overlap in this space is common sense.

Under the bill, Liquor & Gaming NSW will no longer deal directly with complaints made by local residents about live entertainment sound and other noise emanating from within venues. Residents will complain directly to local councils and Police. Councils and Police will be able to refer complaints to Liquor & Gaming NSW if capacity or capability concerns mean they are unable to address the complaint themselves.

Other changes

The bill makes various other changes, including to reflect existing take-away liquor trading hours and small bar trading hours under the Liquor Regulation in the Liquor Act itself. While this will have no practical effect on current trading times, it will improve clarity around the operation of these laws. The bill will also improve clarity around how licensed vessels should manage intoxicated patrons, by amending the defence provisions relating to intoxication. Changes to signage requirements in the bill will support licensees being offered a new option to print their own signs from the Department of Customer Service website. The Australia Post Digital id will also become an acceptable form of evidence of age under the Liquor Act, and opens the door for other such forms of digital identification to be approved in the future. I also wish note the collaboration between Service NSW and Australia Post during the roll out of the Digital Driver Licence across the State. We were able to work with Australia Post to ensure the DDL could be accepted across their network for parcel delivery.

Consultation

I thank all the industry groups, businesses and individuals who made submissions in response to the Exposure Draft Bill. We received 296 submissions, which I think demonstrates a strong level of interest and engagement from across the industry and the community in relation to these reforms.

I would like to acknowledge the contribution that a number of my parliamentary colleagues have made to the development of this bill.

In particular, I acknowledge all the members of the Joint Parliamentary Select Committee, chaired by Natalie Ward, MLC, whose report was the catalyst for this bill and the Night Time Economy Strategy which underpins it.

The Committee demonstrated an ability to put politics aside and to work collaboratively in the best interests of our State.

In accordance with recommendation 40 of the Committee's report, I have had the opportunity to work with Mark Latham, MLC, and the local MP for Newcastle Tim Crakanthorp in recent months on a trial which will see the relaxation of liquor licence laws for small bars in Newcastle.

The trial, which is due to start on 1 October, has attracted strong interest from small bars and restaurants across Newcastle looking to benefit from the ability to trade later and offer a greater variety of drinks to their customers.

I wish to thank my cabinet colleagues Minister Ayres and Minister Elliott for their support in developing these reforms.

Minister Ayres work on the formation and launch of the 24-hour Economy Strategy has resulted in a range of actions for Local Government, State Government and Industry that compliment this bill before the house. I would also like to acknowledge the contributions of the Government Agencies, Councils and Industry Advisory Group that were instrumental in formation of that Strategy.

This Government looks forward to continuing to work with and today acknowledges the contributions of the Industry Advisory Group including Natalie Zelinsky CEO of Stay Kind, Chairman Michael Rose and James Hulme from the Committee for Sydney and their CEO Gabriele Metcalfe, Mike Rodriguez Chair of the Night Time Industries Associations, Katherine O'Regan at the Sydney Business Chamber, John Green at the Australian Hotels Association, Karl Scholthauer Director of Independent Bars Association of NSW, John Wardle from the Live Music Office, Kerri Glasscock Director of the Sydney Fringe Festival, Justine Baker CEO of Solotel, Justin Hemmes and Antony Jones at Merivale, Dean Ormstrom and Nick Pickard from APRA AMCOS, Margy Osmond CEO of the

Tourism and Transport Forum, Wes Lambert and Tom Green from the Restaurant and Catering Association, Richard Evans and others at Live Performance Australia, Nick Atkins and Imogen Gardam from Theatre Network NSW and Tyson Koh of Keep Sydney Open. This Industry Advisory group was made up of a cross section of representatives from the 24-hour Economy that contributed diverse ideas and perspectives to the formation of our Governments Strategy and we thank them.

I acknowledge the invaluable feedback provided by NSW Police in relation to the application of the violent venues, three strikes and service to minors sanction schemes. In particular I acknowledge Assistant Commissioner Mick Willing and the licensing officers within his command.

I acknowledge the contribution of the Australian Hotels Association (NSW), ably led by CEO John Whelan and President Scott Leach and supported by Chris Gatfield. I also acknowledge the contribution of clubsnsw CEO Josh Landis and his team including Anthony Trimarchi and Simon Sawaday.

Further I acknowledge Karl Schlothauer of the Independent Bars Association, Michael Rodrigues of the Night Time Industries Association and James Hulme from the Committee for Sydney.

I acknowledge the contribution of Retail Drinks Australia, including CEO Michael Waters and Sahil Prasad in the development of the same day alcohol delivery provisions. Many of the provisions in the bill seek to replicate and build on the RDA's industry code of conduct, which was introduced last year.

I also acknowledge the advocacy of the Foundation for Alcohol Research and Evaluation including Caterina Giorgi, Jenny Goodare and Maddie Day on the topic of same day delivery.

I acknowledge the contribution of the City for Sydney, including the Lord Mayor Clover Moore and all the councillors.

I thank the Department for Customer Service and all the staff who played an integral part in the development of this bill, particularly the Liquor and Gaming policy team, led by Paul Sariban and ably assisted by James Donnelly, Jasmin Mills, Lucy Zhou, Luke Lecordier, Rebecca King, Warwick Kneebone and Jules Bastable.

I also acknowledge the Chair of ILGA Phillip Crawford and his team including Rochelle Hurst for their contribution.

From my ministerial team I thank my Chief of Staff Matt Dawson, Director of Policy Jane Standish, PLO Priya Pagaddinnimath and DLO Lubna Al-Zadjali. I also acknowledge the work of Tom Watson, Amanda Choularton and Rebecca Meyer, advisers to Ministers Elliott and Ayres respectively.

Conclusion

Together, the reforms in this bill provide important foundations needed to underpin a vibrant, safe and strong 24-hour economy, and further improve the regulation of the liquor industry supported by a holistic approach presented in the Governments 24-hour Economy Strategy.

These important reforms ensure our State's liquor laws are risk-based, with effective measures that help minimise risks of alcohol-related harm and support more customer-centric approaches for businesses and the community.

This Government is determined to deliver reform that improves the lives of the people in New South Wales, including the residents and visitors that participate in the 24-hour economy. I commend the bill to the House.

Second Reading Debate

The Hon. JOHN GRAHAM (10:41:00**):** I welcome the arrival of the Liquor Amendment (24-hour Economy) Bill 2020 in the Chamber moments earlier than I expected it. However, the Opposition's view on the bill is that it falls short of the Opposition's hopes, the Government's promises and, most of all, what is needed to support our night-time economy workers and businesses at this moment. In many ways it represents old answers to old problems. After a recession and a pandemic, the night-time economy has far bigger problems than when the Government set out on the path to draft the bill, which indicates this Government is focused on tweaking our State's alcohol laws. The Opposition is calling for a far broader agenda. The discussion about the night-time economy should be about music, entertainment, tourism, food, hospitality, culture and our State's economic potential.

The Opposition will support the bill. However, it will be moving amendments. The bill is titled the Liquor Amendment (24-hour Economy) Bill. However, it does not contain measures that will introduce a 24-hour economy. Accordingly, one of the things that the Opposition will amend is the title of the bill. I will spell out in detail the nature of the Opposition's amendments later, but their overall effect will be to speed up the adoption of a 24-hour economy. The amendments will look to work in the area where the Minister says he is interested in going but where the bill falls short. The Opposition believes the agenda has tremendous potential. Across our cities and towns in New South Wales, we need a new deal for night-time. If we get the agenda right, we will have more interesting towns and cities. They will reach their economic potential and properly value and protect the people who work at night.

There should be far more understanding of the needs of businesses that operate at night. That will mean cutting red tape, boosting their profits and helping them reach their economic potential. For residents, the agenda can produce cities and towns that are more interesting to live in. We want people present in public places after dark; that increases safety. Night-time activity cannot all be based around commercial activity. Sydney especially is an expensive place to live. For young people, low-paid workers and those on a pension, it has simply become too expensive. For residents it also means finding a fair way to manage the burdens of noise in a developing city.

At the moment seven different bureaucracies are in charge of regulating noise in New South Wales and no-one is happy—not the residents trying to get a good night's sleep, not the venues and not the agencies whose job it is to police it. The Opposition supports a one-stop shop where residents are able to raise their concerns about venue noise after dark.

For workers at night, the agenda means more jobs, getting home safely, being able to have a meal and a drink after work, and a fair wage for working our city's night shift. It is important for the workers who serve our city's hospitality and entertainment industries, just as it is important for health, police, retail, manufacturing, freight and transport workers, who keep our city running. Developing a positive night-time agenda for the cities and towns of New South Wales should help us recover more quickly from the pandemic and the recession, and should aim to reach the long-term potential of Sydney and New South Wales after dark. After all, New South Wales' night-time economy is a major driver of economic activity. The New South Wales Government has started to advocate for it.

In February 2019 Deloitte Access Economics spelled out the economic potential if we get the agenda right, which is $16 billion a year just in Sydney from moving from where we are now to a thriving night-time culture. The Council of Capital City Lord Mayors has been researching the topic for nearly a decade. Key research commissioned by the National Local Government Drug and Alcohol Committee found that:

> The Night Time Economy (NTE) in Australia accounts for 17% of all establishments … Collectively, these employ more than 3.1 million people and generate sales turnover of $660.8bn, making up 26% of Australian employment and contributing 19% of total turnover.

The latest figures from the research show that in 2017-18 turnover in the core night-time economy in New South Wales was $40.961 billion. Currently there are more than 37,000 core night-time economy establishments and that activity supported 337,000 jobs.

Between 2011 and 2018 our population grew by 13 per cent. One might expect the night-time economy to grow by a similar rate. Jobs in the night-time economy grew by only 9 per cent in that period. Entertainment has been hardest hit as a combination of over-regulation, lockout laws and neglect has taken its toll. Since the Government came to power, the entertainment sector growth rate, measured by the number of establishments, is a dismal 2.2 per cent. The population is up 13 per cent and the number of night-time entertainment establishments is up just 2.2 per cent over that period. The growth in Victoria over the same time shows what could have been possible. Victorian night-time economy jobs are up 16 per cent compared with our 9 per cent. Their entertainment establishments are up 8 per cent compared with our 2.2 per cent. There would be more than 21,000 extra people in work every year if New South Wales jobs had kept up with Victoria, and it is the Opposition's view that there is much more potential than that.

In part, that is a result of support for night-time businesses in Victoria. I note specifically the recent support during COVID for music venues and the transition to outdoor dining and performance. I recognise that the discussion has been driven across the Chamber. There are supporters and enthusiasts for that agenda right across the political spectrum. Firstly, I thank the members of the music and arts economy inquiry, which kicked off the discussion that has led to the broader night-time discussion. I thank the Hon. Shayne Mallard and the Hon. Catherine Cusack, who are enthusiasts for music and for this agenda. They are both present in the Chamber as the debate proceeds. I thank the Hon. Taylor Martin and my colleague the Hon. Penny Sharpe, who has been a long-time advocate in this area. I thank two colleagues who are not with us: Ms Dawn Walker, who participated strongly in that discussion—

The Hon. Catherine Cusack: Dawn is a rocker from way back.

The Hon. JOHN GRAHAM: I acknowledge that interjection. I also thank the chair, the Hon. Paul Green, who took to the agenda with gusto and took an inquiring mind to a sector that he could see was important for jobs for young people. I thank the members of the joint committee's lockout laws inquiry who are in this House: the Hon. Natalie Ward, the Hon. Ben Franklin, Ms Cate Faehrmann and the Hon. Mark Latham. I also thank Mr Guy Zangari from the other place, who served on that committee.

The debate that happened late on a Thursday night just metres from this Chamber was another crucial discussion that resulted in an agreed view that has left this House with a hopeful basis for long-term discussion of those issues. I join with the Minister in thanking some of the following stakeholders who have been crucial to the discussion. The Committee for Sydney has led a lot of the policy discussion. Gabrielle Metcalf, Michael Rose and James Hulme have played an important part in that. Mike Rodrigues, the inaugural chair of the Night Time Industries Association, has been helpful in charting the issue and getting industry organised. Katherine O'Regan at the Sydney Business Chamber has also led the discussion.

The Australian Hotels Association has been crucial in dealing with the detail of the agenda and has been a long-time advocate. I thank John Green in particular for his engagement. Karl Schlothauer, President of the

Independent Bar Association NSW, organised for the association to put its case for how the city could be better. I acknowledge John Wardle from the Live Music Office, a long-time regulatory activist—two words that are not often heard together but it is a perfect description. I acknowledge Kerri Glasscock, Director of the Sydney Fringe, and Justin Baker, CEO of Solotel. Dean Ormston and Nicholas Pickard from APRA AMCOS have been crucial in putting the case for music in New South Wales and federally. Margy Osmond has been engaged strongly with the Government.

In particular I thank Evelyn Richardson and the others at Live Performance Australia. I join with the Minister in thanking Tyson Koh of Keep Sydney Open. MusicNSW has played a crucial role too. I thank the Health Services Union for its engagement on the issues and the bill. I join with the Minister in thanking many of those people. In many ways the rolling discussion has been led by industry and the community. But it lands here in this Chamber. The Opposition's view is that this is our moment to take regulation forward in the area. We will support the bill but we want the job done properly. The Opposition will move amendments that are in the interests of the Minister and of the community. Those amendments will be within the scope of the Government's strategy but will take it further and drive the agenda faster. What more important time could there be to do it than this moment during the first recession in 30 years?

All members are sensitive to the tensions inherent in such a complex area of regulation. We must balance a range of issues. I make clear the Opposition's principles on managing alcohol and alcohol-related harm. First, the Opposition recognises that alcohol causes harm. We argued for that principle to be front and centre in the report of the Joint Select Committee on Sydney's Night Time Economy. Recognition of that is an important first step to enable a sensible debate. Secondly, it is crucial to the tension and the balance that we recognise that loneliness and social isolation cause harm too. We were unsuccessful in getting that principle built into the report. That is why the Opposition supports venues and the sense of community they bring to our cities and towns. I refer briefly to the provisions of the bill. I note that the Minister in the other place and the Parliamentary Secretary have done it already and I concur with their comments. We support the consolidation of offences for venues. It is simply common sense to reconcile the overlapping and conflicting regulatory schemes. It is a complex reform so we welcome the commitment to considering how it works over time. That is important and the Opposition will certainly do that.

We have heard representations from medium to large venues. They think the new regulatory scheme may work to their disadvantage purely due to the number of patrons whom they would expect to come through the door in an average week. That matter should be monitored closely while the scheme is implemented. However, we do see that as a step towards a more risk-based regulation in the tradition of, but not the same as, the Violent Venues Scheme. Rather than blanket rules, it is a targeted approach that looks for risky venues. That is one of the reasons for the drop in violence over this period not only in the city but also statewide. A good approach to regulation is cracking down on venues that are not doing the right thing but supporting those that are doing a good job. We welcome the changes in that particular part of the bill but we believe they should be monitored heavily.

I comment on the laws regulating liquor delivery. We all know that liquor delivery is a growing area of activity. Online sales are booming during the pandemic. Appropriate regulation in that area is crucial. We have received a lot of correspondence, as other members have, which we have followed up in discussions with a range of organisations. I thank those organisations for their communications: in particular, the Foundation for Alcohol Research and Education for its helpful positive engagement; the National Alliance for Action on Alcohol; the Cancer Council; the Alcohol and Drug Foundation; the Centre for Alcohol and Policy Research; and the Australian Medical Association. On the industry side, Endeavour Drinks and Retail Drinks Australia have been very helpful in explaining the on-the-ground implications from an industry point of view.

As a result of that consultation, the Opposition will propose amendments to the bill. The amendments will deal with responsible advertising, sale and consumption of alcohol specifically in relation to age verification, supply of alcohol to intoxicated persons, the nature of responsible service of alcohol training, and the collection and reporting of sales data. The Opposition's amendments will reflect the views put to us by those organisations. We have done that cautiously and we look forward to engaging with the Government on the issue. It is an emerging area, which must be regulated carefully. We must be confident that we understand the implications on the ground. The Opposition will be open to further dialogue on the issue with all members of the House and with the Government, in particular, to ensure that we get it right. It is crucial that it be reviewed after 12 months. The Opposition supports that approach strongly to ensure that it is on track.

I speak briefly about noise regulation. The bill contains minor changes in relation to noise regulation. The Opposition has been critical of the current regulation of noise in New South Wales. No-one is happy—not the residents, not the venues and not the agencies. The bill's proposal that Liquor & Gaming NSW back out of key aspects of noise regulation does not strike the appropriate balance. It does not solve the massive duplication and overlap in the area. It may be appropriate for Liquor & Gaming NSW to back away in areas where councils

have the resources and plans to regulate noise. In other areas, where councils do not have appropriate resources and plans, our concern is that cutting Liquor & Gaming NSW out of the process will simply cut the community out of the process. The Opposition will seek to amend the bill to drive that approach.

There is a better way to regulate noise in New South Wales. Current arrangements are not working. In particular I am concerned that the way in which noise complaints are handled is killing the industry. A person who picks up a guitar in New South Wales will be approached by different noise regulators in different areas: In the Opera House forecourt, the Department of Planning, Industry, and Environment would speak to them about noise; in The Domain, the NSW Environment Protection Authority would chase them down the street; in a city pub it will often be rangers from well-resourced councils who will ask for the noise to be turned down; in a country pub it is more likely to be the NSW Police Force. Where three or more complaints are made, Liquor & Gaming NSW has a regulatory role. On a navigable waterway—what I like to think of as sitting by the dock of the bay—the former Roads and Maritime Services, now Transport for NSW, will hunt the person down and ask them to turn down the volume.

They are six of the agencies. Property NSW also has a role when something is adjoining the harbour, so there are seven agencies in the end. None of them are in charge, none of them are happy and none of them want to do that job. There is a better way. In my view, we cannot tackle that issue as an Opposition or as a Parliament. The Government must drive it because it is not something we can do by changing the law; it involves complex regulatory arrangements. We will seek to amend the Government's bill to slightly improve it. I call on the Government to tackle that job. The Minister took on the area of liquor regulation voluntarily and I was greatly encouraged by that. I encourage him to deal with this issue as well.

We canvassed the issue of entertainment restrictions extensively in the House last night so I do not intend to revisit that, but we will introduce some similar arguments and approaches in our amendments. I encourage the Government to look at the ones it could pick up and to finish the job because if it does not, it would still be true that Cold Chisel would not be able to take the stage at the South Dubbo Tavern but a Cold Chisel cover band could. It would still be true that nearly 100 venues could play Swedish death metal on the TV or an iPod but if Kate Ceberano were to walk in she would be banned from singing jazz standards. A warm, live human cannot do what a TV on the wall is currently doing. We must change that. I call on the Government to consider the arguments that were made last night in the debate on the right to play live music. There is an opportunity here to shift that and discussions have already begun with the Government. I am hopeful we will progress that issue.

I now refer to the large number of Labor amendments to the bill. The Opposition has taken up the invitation that was recently extended by the Hon. Mark Latham to set some policy. We are doing that; we are setting out a policy agenda that has been developed by industry and the community. We have been engaged in that discussion and we are bringing it forward in the following spirit. The Government says it wants to head down that path and we are offering an opportunity to enhance the bill. It is in line with the Government strategy, with the Opposition's hopes and with the needs of the businesses and workers who are now out of work and desperately need help. Here is a chance to reset the system for the long term. That is the spirit in which the amendments are offered. We will introduce amendments in line with the right to play music bill that we will also seek to drive into the bill as an alternative approach for the Government to adopt.

We also want to talk about jobs. We want the licensing authority to consider any effect licence applications and a range of other measures have on employment and opportunities for the music, arts and tourism industries or community and cultural matters. The objects of the Act already allows that to happen after amendments were made in 2007, but it should be driven further into the process of the bill. We will introduce two key measures that will encourage music venues back. We would like to see fees and loadings reduced because if venues are putting on music there should be a bonus. There should also be an extra half-hour if music venues are playing live entertainment. That is one of the key things the Government reformed in recent years that was abandoned at the start of the year as the lockouts were waived. We want that back. The Opposition's view is that it was the best idea that the Government had as a positive incentive for music venues and we should bring it back to the bill.

The next area is the definition of music and performance venues, which is crucial. The Public Accountability Committee had an important discussion with good cooperation from Minister Dominello, Minister Hazzard and Minister Harwin about changes to the public health order that had sidestepped most music venues because of the definitions. The definitions that refer to music halls, dance halls and places of entertainment do not pick up where the vast majority of these venues are, which is on licensed premises. Members may have seen the front page of *The Sydney Morning Herald* about a week ago which reported a story about that. Unless we make a similar change—and it is a straightforward change—to the definitions in the bill we will encounter similar problems. We do not see that as contentious; it is crucial. We would like to amend the Planning Act to promote and protect the use and development of land for arts and cultural activity, including music and the arts. We have looked to Victoria for the approach it has taken in that area.

We will introduce amendments to speed up outdoor dining and performances. The Government has been vocal in that area, which I applaud. There are some real enthusiasts in the Government in that space. However, we want results. Today 17 venues are approved for outdoor dining and performances. We are in the middle of a pandemic, daylight savings has ended and summer is on the way. This is not the time to be going slowly in this area. We support the Government's approach and economic stimulus through outdoor dining for The Rocks but we want a pandemic health response so that we can spread out and social distance across the State. It is as important in Wagga Wagga as it is in The Rocks, and we will introduce amendments that allow that to happen faster. Without speeding that up, the pandemic will be over before we do what other cities and towns are doing across the world—that is, allowing outdoor dining and performances so that people can spread out and participate safely. I encourage the Government to particularly look at that.

I also foreshadow amendments to introduce a strategic liquor licensing advisory council. At the moment there is good work being done on the ground by the local liquor accords but it is not equivalent to what is being done in Victoria, where there is an engagement between the key groups across the area. We need a strategic discussion rather than a local discussion, although it will necessarily get caught in some of the local issues. We will amend the bill to establish a strategic liquor licensing advisory council that contains members who have an understanding of health and public policy relating to alcohol and its community impacts, and industry and employment issues. We need those stakeholders and some of the key industry people to be at the table in that strategic discussion. As is the case in Victoria, we need to have some of the stakeholders who can consider the impact of licensing on the availability of music and the arts. With key agencies and key stakeholders we can have a strategic discussion about some of the issues in the bill and how to deal with them better.

There is no place in New South Wales to have that discussion. It either happens in Parliament or at a local liquor accord and there is a big gap between those two things. We want to fill that gap. I commend that approach to the Government. I have already indicated that we want to amend the bill to restrict the removal of the complaint mechanism proposed by the Government to those areas where the council is organised, has a local plan and is prepared to deal with noise. Without that we are concerned about the impact on the community. We also propose to amend the bill to declare specific areas as special entertainment precincts or venues. That works well with venues in Queensland and we should start to bring that emerging discussion into the law. We can do that in the course of the debate. We also want to support small arts venues. I understand that a highly complex and heavily discussed amendment to the National Construction Code has strong support across the agencies. We want to move faster on that and I will talk more about that specific measure when we introduce the amendments.

I have already indicated that the Opposition will introduce amendments about the advertising, sale and consumption of alcohol, which will relate to age, verification, the supply to people who are intoxicated, responsible service of alcohol training and the collection of sales data. I will briefly refer to one area where we were unable to bring forward an amendment. The Opposition has concerns about targeted marketing to persons at risk of alcohol addiction. Targeted marketing, perhaps directly or more particularly on social media, may not be a problem for the vast majority of people. However, it is a problem for people who have trouble with alcohol addiction and who find it difficult to say no to alcohol. We want to strengthen the provisions to allow those people to opt out so they can protect themselves. As this online market increases, we do not want to see the sort of sophisticated data operations and targeted marketing taking hold in an area where some people have a problem.

We have been unable to resolve a way to amend the bill in that respect but we encourage the Minister to look at this area. It should be the subject of serious discussion when we come back to it in 12 months. I cannot conclude the Opposition's views without referring to the current threat to music venues. The Parliament, through its powerful work on committee inquiries into this sector of the economy, has been made well aware of the crisis. I thank the Parliament for the time it has spent on this work. We have been told that 85 per cent of our venues may be lost if we do not provide assistance. The last time I looked, more than 26,000 people have signed a petition to this Parliament recognising the need for assistance. It would be a tragedy to lose more venues on top of the hundreds that already have been lost following the lockouts, the month and a half of trading and the pandemic. We cannot lose any more. It would be easier to act now and save those venues to be ready for the rebuild—as we all hope occurs when this pandemic passes—rather than replacing those venues once they are gone.

I reiterate that the Opposition will be supporting the bill but we think we can do better. These ideas are not unique to the Opposition, although we have been enthusiastic participants in this debate. These ideas are firmly lodged in the Government strategy. I know that Government members are keen on a range of these measures. What better time to act than now? If we cannot sort this out now—after the lockouts, while we are in a recession, a pandemic and getting set for the rebuild—it is never going to happen. I am concerned that we are going to hear from agencies advising the Minister to deal with this later, to come back to it in six months, that there will come a time to deal with it. This is a complex area. My concern is that if we do not deal with it now, it will just not happen. There will be another Minister, another priority and another change in the agencies and we simply will not get to it. The Opposition says that there is a developed agenda and the time to act is now.

We are certainly prepared to work with the Government. I welcome the Government's engagement on this issue already. Indeed, Mr Deputy President Mallard, I thank you for your engagement on this issue as the President of the NSW Parliamentary Friends of Australian Music. That is the spirit we need to move this bill forward and progress on this matter. I draw to the attention of the House that the Opposition does not accept everything that is in the Government's Sydney 24-hour Economy Strategy. I am not referring to the poem at the start of the strategy document, which I read to the House. I strongly encourage the Government to stop this: It might campaign in poetry but it should govern in prose. Given that effort, I would encourage the Government to stick to its day job and regulation. This is what the Sydney 24-hour Economy Strategy says about streamlining liquor licensing:

> The 24-hour Economy Bill 2020 removed outdated entertainment conditions on liquor licenses, and continued work to align liquor license and planning processes. This Strategy aims to build on this …

The Government strategy announces that the bill has already passed through the House, the work is done and the press release is out the door. Nothing could be further from the truth. The bill has not passed. We have not dealt with it yet. That is just another example of leaning on the press release rather than actually doing the job. We want the House to do its job. It is totally inappropriate that the strategy says that the job is done before MPs have considered the measures ahead of us. I would encourage the Government to revisit that portion of the strategy. The Opposition is prepared to work with other members of the Chamber and the Government to make our views come to life and to finish the job. I commend the bill to the House.

Ms CATE FAEHRMANN (11:15:47**):** On behalf of The Greens I speak in debate on the Liquor Amendment (24-hour Economy) Bill 2020. While The Greens support much of the intent of the bill, we believe that more can be done to help reinvigorate small businesses and enable them to contribute to a vibrant night-time economy while minimising alcohol-related harm. The bill is part of the Government's overdue response to the report from the Joint Select Committee on Sydney's Night Time Economy, which was handed down just over a year ago. Since then, stakeholders have been calling for the implementation of the 40 recommendations made within that report while also contending with the unprecedented challenges of operating during a global pandemic. I acknowledge the hard work of those stakeholder groups for a safe, vibrant and diverse night-time economy for Sydney. I thank them very much for their efforts.

As The Greens' representative on the joint select committee, I did not support the recommendation to continue the lockout laws at Kings Cross. I will be moving amendments at the Committee stage of the bill to bring Kings Cross into line with the Sydney CBD and Darlinghurst. As I think every member in this House agrees, fixing our night-time economy will require a whole-of-government response. The Government's recently released Sydney 24-hour Economy Strategy promises to bring about much-needed change to the way in which night-time industries are regulated. However, as the Hon. John Graham has mentioned, the time line to implement much of this remains unclear and has not been specified. The Greens will be seeking to move amendments to facilitate the relaxing of the regulatory environment for night-time businesses and we will be looking at supporting a range of amendments that other members, particularly Labor members, will put before this place.

Yesterday this House passed Labor's right-to-play bill with the support of The Greens. That bill addresses some of the many gaps left by the Government's 24-hour economy bill, namely the draconian conditions placed on venues which restrict the genre of music, number of musicians and types of instruments that can be played at a venue. The Government's bill ensures that any such conditions on a liquor licence will cease to have any effect, but what the bill fails to address is the continued existence of similar conditions imposed upon venues by their development consent. The bill also fails to address, for example, the continued discrimination by the authority against venues where a dance floor is present. Stakeholders have reportedly said that the authority and police have struggled to accurately define what exactly constitutes a dance floor, which ranges from an open space to the installation of a disco or mirror ball. I have to confess that one of those potentially exists above my desk in my office upstairs.

The Hon. Sarah Mitchell: Party in your office.

Ms CATE FAEHRMANN: I acknowledge the interjection. Yes, we party very hard every day in that office. The Greens and the Opposition will be introducing a number of amendments which will significantly improve the bill's ability to enhance our State's 24-hour economy and live music industry. I will now speak to the particulars of the bill before us. Schedule 1 addresses the joint select committee's recommendation that the Government should incentivise and reward licensees for ongoing good behaviour and sanction venues appropriately that do not comply with liquor laws. The bill replaces the three existing sanctions—the Three Strikes Scheme, the Violent Venues Scheme and the Minor Sanctions Scheme—with a system based upon demerit points. The bill gives Liquor & Gaming the authority to impose additional conditions or sanctions on venues that have received one demerit point or more, including suspension of licences for up to seven days, or up to 14 days if a venue has six or more demerit points connected with it. It also introduces licence discount incentives for venues that maintain a good operational record for three or more years.

The Greens support strong regulatory oversight of the sector to ensure that venues are creating safe spaces that revolve less around excessive alcohol consumption. We recognise the type of alcohol-fuelled violence that led to the tragic deaths of Thomas Kelly and Daniel Christie. However, we do not agree with the type of heavy-handed approach that the authority, police and some local councils have taken to many venues in recent years, particularly the ones that have not done anything wrong. Many venue operators have complained that a one-size-fits-all approach to regulation penalises small businesses for the detrimental actions of larger ones and have called for a simplified regulatory framework that allows them to operate within a lower risk environment. We support that.

Schedule 2 takes the important step of repealing the licensing freeze in the City of Sydney local government area. It also introduces cumulative impact assessments for new liquor licence applications, which was called for during the inquiry, with the City of Sydney stating that there needs to be a better approach to cumulative impact. That should be largely delivered through the licensing system, which has the flexibility to manage those sorts of impacts and look more widely at what is happening in a precinct, rather than the planning department, which looks at the individual venues. There needs to be a clear definition in the regulation about what a saturation point might be, how many venues and what that density is. It could take into account a number of factors but it certainly needs to be clear for decision-makers, business and the community. That is the City of Sydney's view.

There also needs to be flexibility—and that is probably a challenge—to allow new venues and new businesses to enter into a precinct, to encourage competition and improvement, and to keep areas interesting, active and vibrant. However, the incorporation of these cumulative impact assessments into the Liquor Act runs rather contrary to the recommendations of some stakeholders, numerous inquiries and the Government's stated aims in its 24-hour Economy Strategy of reducing duplication by integrating licensing and approvals processes in the planning system. The Greens support the approval of licences that will contribute to a safe, vibrant, diverse and enjoyable city of Sydney. That includes shifting the focus away from excessive drinking.

Given that the bill allows for the authority to limit certain liquor-related applications in higher risk areas where there are already concentrations of licensed premises, The Greens believe it is beyond time now for venue operators in Kings Cross to be given a break. They have also been doing it tough due to COVID-19, but particularly because of ongoing lockout laws. With this bill, there is no reason for Kings Cross to remain a separate precinct with stricter laws. A vibrant night-time economy requires late-night trading hours and businesses need certainty that they will be able to operate to their maximum potential in the struggling COVID-19 economy. With the new scheme of incentives and sanctions, and the cumulative impact assessments, it is well and truly time that we got rid of the Kings Cross lockout laws.

We need to give our economy the chance to succeed and give operators the opportunity to show us that they are investing in safe and responsible venues. I am also aware of some of the pressure from alcohol industry lobby groups that believe that cumulative impact assessments will prevent packaged liquor licences from being granted, based on their density in a given area. In my opinion, bottle shops are not really the type of businesses that are going to save Sydney's night-time economy. There is a strong evidential link between retail liquor stores and alcohol-related violence. The Greens will certainly not support amendments in that regard. Schedule 3 to the bill applies more of the requirements of the regulatory environment for place-based liquor sellers to geographically disbursed direct-to-home online alcohol delivery services.

I place on record some concerns regarding online delivery of alcohol that were brought to my attention by the Foundation for Alcohol Research and Education and the Centre for Alcohol Policy Research at La Trobe University regarding alcohol consumption among on-demand delivery customers. Rapid delivery orders were more likely to be made by people between the ages of 18 and 29, representing about 60 per cent of customers. That is based on research that those two organisations have done. On the day of the delivery, 70 per cent of customers engaged in a drinking session of five standard drinks or more and 38 per cent engaged in a drinking session of 11 standard drinks or more. Those metrics indicate high risk and very high risk consumption levels. The New South Wales Department of Health data also shows an increase in rates of dangerous drinking in adults aged 16 to 24 over the past five years. It is important that we are aware of that data as we consider the changes in the bill.

Since March, people's drinking behaviours have escalated and are resulting in more physical violence at homes. A report from Women's Safety NSW has shown that rates of family violence have increased significantly since the beginning of the pandemic, with half of the surveyed caseworkers reporting an increase in the involvement of alcohol in family violence situations. In that environment, we must be very careful about relaxing obligations for services for the fast delivery of alcohol. Melbourne has been allowing delivery matching platforms like Uber Eats to deliver alcohol since 2017. Some Victorian providers have implemented their own ID and intoxication checks at point of sale but a 2020 VicHealth survey has shown that it is a difficult space to control.

That is why it is disappointing that the Government has softened its initial legislative stance on ID checks for same-day alcohol delivery.

In the first public consultation draft of the bill, age verification would have been required at the point of sale and delivery. In the bill before the House now, that has been changed so that a driver may instead accept a signed declaration that a person is over 18 years of age if it is considered reasonable to believe that person is over the age of 18. That is bizarrely out of line with the responsible service of alcohol requirements for venues, which are required to check the ID of any patron who appears to be under 25 years of age. I fail to see what the public health rationale for this backflip was. The Greens will also table amendments to strengthen that requirement and will speak to that in detail in the Committee stage another day next week. I believe the Opposition potentially has amendments in that regard as well. We will see where we land on that one but it certainly needs strengthening. Finally, schedule 4 will allow for some relaxation of small bar licence conditions, including allowing accompanied minors in venues that serve alcohol and food, the establishment of a new minors authorisation and removal of entertainment conditions on licences.

The amendments would also create provisions for an interim small bar licence and remove the portion of the Act that deals with noise complaints. We support any measures that enable good operators to find innovative ways to engage positively with local communities and cultures in this particularly difficult period. The joint select committee heard evidence from operators of just how ridiculous noise complaints have become for some venue operators, including a bar that had to cease a game of petanque at 8.00 p.m. as complaints had been made about the noise of the balls knocking together. Smaller venues need new opportunities to include young people and families in night-time cultural activities—maybe it is over a game of petanque, maybe not. Diversity amongst patrons is conducive to positive relations and encourages licensees to expand their offerings beyond the service of alcohol, both of which contribute to a vibrant and safe 24-hour economy. The Greens support that change. Venues are still subject to strict penalties for the service of alcohol to under-18s and are required to display notices alerting staff and patrons to the law.

Reform of entertainment conditions and sound complaints is long overdue. It goes without saying that limiting the kind of entertainment that can be offered is draconian and works actively against diversity in our night-time economy. As we heard last night during debate on the Liquor Amendment (Right to Play Music) Bill 2020, our live music venues and musicians are doing it incredibly tough right now. The continuation of such laws is harmful to people's wellbeing as well as to the industry's financial future. The Greens support any amendments that support the removal of the oppressive rules and restrictions in place at the moment, as long as people's wellbeing and safety are not harmed. If the Government is honest in its intent to provide small bars with the trading environment that they need to bounce back from the past seven months of uncertainty, a number of other restrictions can be removed. Currently small bars are not permitted to close to the public, which prevents them from holding private functions. That is critical in the lead-up to the warmer weather and holiday months. Small bars are still not able to trade on restricted days such as the Easter break or Christmas. Those days could offer enormous lifts in trade through entertainment offerings and dining experiences.

I have heard from stakeholders that small bars are making great use of the relaxed environment during COVID-19, which has permitted them to sell takeaway alcohol. That has included making in-house cocktails for supply to local regulars and even other local businesses. The Greens believe that the bill should allow those enterprising activities to continue. By all accounts there has been safe alcohol consumption and The Greens will move amendments to that effect. Small bars want to show how responsible they are and how much they regard and rely on their local trade. If the Government gives them the chance to act responsibly, it will be their businesses that help to drive the recovery of local economies and create the 24-hour economy that we want to see in our cities and in regional areas.

I also note the impact that poker machines have had on live music venues in this State and the extraordinary amount of money that people spend on poker machines compared to other parts of the local economy. Last night I quoted from the final report of Portfolio Committee No. 6 – Planning and Environment, *The music and arts economy in New South Wales*, in my contribution on the Hon. John Graham's Liquor Amendment (Right to Play Music) Bill 2020. I will also include it in this contribution because it is important to deal with the impact of poker machines on live music. The final report stated this about the impact of poker machines on live music:

> MusicNSW observed that gaming machines were first introduced into pubs in the 1990's to help meet the cost of liquor licences. Consequently, MusicNSW noted that pubs closed their band rooms to accommodate gaming machines which 'meant there were less stages for bands to play on'. MusicNSW cited Shane Homan and Bruce Johnson's 'Vanishing Acts: An Inquiry Into the State of Live Popular Music Opportunities in New South Wales' to support its argument:
>
> > … the surveys and the interviews [Homan and Johnson conducted] incontrovertibly indicate that the proliferation of poker machines has in many venues displaced live music. The appeal of the 'pokies' to venue management is straightforward: profits. Along with bar sales, gambling is the biggest source of revenue …

> The City of Sydney also cited Homan and Johnson, noting the commercial necessity of poker machines in live music venues: 'The shift to poker machines is partly a common sense commercial response to continuing problems accommodation [accommodating] the pub/club crowd. The individual poker machine player is more easily incorporated into building, noise and liquor codes'.

Overall the bill is a partial attempt to relax the stranglehold that the State's liquor laws have had over the bars, clubs, restaurants and other venues for too long. However, as I have indicated, it does not go far enough. Considering the hundreds of thousands of jobs that were lost due to the pandemic and, to a lesser but still significant extent, the lockout laws, we cannot be satisfied with a partial response at this point in time, particularly when only three parliamentary sitting weeks remain for this year before a two-and-a-half month break over summer. That is the time when venues will want to reopen and make money, and that is the time when people all over this State will not be able to travel anywhere else. They will be looking for entertainment, relaxation and places where they can spend time with family and friends after what has been a pretty horrific year, as all members would agree.

Our music and hospitality industries and the huge number of people in New South Wales who rely upon them for work, relaxation, entertainment and community cannot wait for a bill that only goes part way. This is an opportunity for a huge structural change in the way in which our night-time industries are regulated. I look forward to the committee process. Hopefully we can work across parties to make significant amendments to the bill to ensure that the music and hospitality industries are provided with as much flexibility and support as possible at this time. Importantly, when the measures in the final bill are passed they need to come into effect as soon as possible and well before summer hits. The Greens well and truly support the intent and spirit of the bill, but we look forward to improving it in the Committee stage next week. I commend the bill to the House.

Reverend the Hon. FRED NILE (11:34:36**):** I speak in support of the Liquor Amendment (24-hour Economy) Bill 2020. I congratulate the Government on the hard work it put into preparing the legislation, which is very extensive and covers many areas. I will refer to three letters that I have received, one from the Salvation Army Australia and two from Cancer Council NSW, which have expressed concerns regarding the bill. The head of government relations at the Salvation Army sent a letter dated 8 October. It states:

> As you may be aware, the government has tabled the Bill and it is currently scheduled for debate in the Legislative Council on 13 October 2020. We are concerned about amendments that have been made to the Bill since consultation in May 2020 and request that you consider amendments that will keep families safe.

It goes on:

> We are concerned that the measure in the Bill to verify the age of the purchaser before selling alcohol online has been removed since the draft Bill underwent public consultation. This change will be detrimental to the health and safety of children in NSW and occurred following extensive lobbying from the alcohol industry. Yet the requirement has strong support – most people in NSW (87%) think age should be verified in order to purchase alcohol online.

It is disappointing that changes have been made since the consultation concluded. Although they are not major changes, they impact on the effectiveness of the legislation. I ask the Government to reconsider those changes. I also have a letter from Cancer Council NSW dated 12 October. It states:

> I am writing to you in relation to the Liquor Amendment (24-Hour Economy) Bill 2020.
>
> …
>
> Cancer Council NSW supports the amendment moved by Dr Joe McGirr, Member for Wagga Wagga. The amendment introduces the power to conduct controlled purchasing operations and is an important tool to ensure the effective monitoring and enforcement of the new regulatory standards for same day alcohol deliveries. Controlled purchasing operations are used to support other public health measures such as in tobacco control.

I draw those matters to the Government's attention. In another very extensive letter dated 23 September 2020, Cancer Council NSW states that it "supports the proposed reforms to online sale and same-day delivery of alcohol contained in the Liquor Amendment (24-Hour Economy) Bill 2020". It further states: Cancer Council NSW also recommends amendments to the Bill to improve the effectiveness of the new regulatory framework and better protect children and the community from the harmful effects of alcohol. They give a lot of information supporting their views. The conclusion of the letter reads:

> Cancer Council NSW also welcomes the introduction of an offence for alcohol deliveries being supplied to a person who is intoxicated. The responsible service for alcohol has been a long standing requirement for licensed premises.

I draw the attention of the House to those points made by the Cancer Council and by the Salvation Army. The Christian Democratic Party supports the bill.

The Hon. NATALIE WARD (11:40:20**):** I speak in support of the Liquor Amendment (24-hour Economy) Bill 2020. I acknowledge and thank the Hon. Victor Dominello and the Hon. Stuart Ayres for bringing the bill before the House. I am very appreciative of members in both this place and the other place who participated in the night-time economy inquiry. There was an enormous amount of common ground on this issue.

I appreciate the support for a number of the Government's initiatives in bringing forth almost all of the recommendations in the committee's report. The Government supports a diverse and vibrant 24-hour economy. As we emerge from the COVID-19 pandemic, which was not considered when the committee was first tasked with the inquiry, it is critical now more than ever to have the right foundations to build a vibrant, safe and inclusive 24-hour economy.

The Government wants to see an environment where business thrives and live music flourishes, and we all agree on that. The Government wants an environment where the community can enjoy diverse offerings from licensed venues that cater to a range of ages, lifestyles and cultures. This recommendation came directly from the committee's report. The bill is not just about alcohol, late nights or young people; it is also about families and diverse offerings. The Government is implementing those recommendations. The first chapter of the inquiry's report focused on making sure that venues provide safe environments for residents and visitors to our State. This was in focus in revisiting the lockout laws and it is a focus of the Government to provide a diverse offering that is also safe.

The bill is about getting the foundations and balance right. The proposed measures in the bill build on our earlier liquor reforms that began in January this year. Those reforms removed lockout and drinks restrictions from Sydney CBD venues, lifted the maximum capacity of small bars to 120 people across the State, which was another recommendation of the committee's report, and extended takeaway trading times by an hour. The bill takes those steps even further. It amends the Liquor Act to support the implementation of the next stage of the Government's 24-hour economy reforms. Those legislative reforms are a key part of the Government's response to the Joint Select Committee on Sydney's Night Time Economy. Once again, I acknowledge my colleagues who participated, including the Hon. John Graham, the shadow Minister for the protection of mirror balls, for his advocacy; Ms Cate Faehrmann for her keen interest in music and for holding us to account in getting things done quickly; the Hon. Mark Latham; the Hon. Ben Franklin; and our colleagues in the other place.

As my friend the Hon. John Graham acknowledged, it was a late-night meeting that got us across the line after a number of amendments. It demonstrated that joint select committees do their job and work well to get most of the issues agreed, on the table and in a report using the proper processes. I commend the bill in its current form because it came out of the committee process and the rigorous and thorough processes that committee members undertook to arrive at those recommendations in the report. The Government wants to continue to encourage small bars. They are lower risk businesses that play a key role in diversifying our 24-hour economy. Under the bill, small bars will be able to offer family-oriented services during the daytime and in the earlier hours of the night. The committee discussed the success of Vivid and family events that can open Sydney up to not just late night and alcohol focused events but also family-oriented services.

Small bars that regularly operate dining services will be given the option to allow minors in the company of a responsible adult to be on the premises up until 10.00 p.m. This means families will be able to enjoy dining together at their local small bar, just like they can in the dining areas of pubs, clubs, cafes and restaurants. It is important from my personal perspective that small bars under the bill will be able to apply for a new type of authorisation to have minors on the premises to access the other types of goods or services they offer. This means the small bar licence can be used to support more diverse small business models, ranging from a bookshop or record store to a small gallery or arts venue providing live music and entertainment. The diversity of offering was one of the key issues that came out of the night-time economy inquiry.

The Independent Liquor & Gaming Authority will assess individual applications from small bars so they can consider the type of offering and the business model, and in doing so they can impose any appropriate conditions around minors on the premises. The Government is demonstrating how it is responsive, agile and open to new and innovative ideas in the space. Those changes support more diversity in our 24-hour economy and mean that one low-cost liquor licence is available to support a more diverse range of small businesses, which is a big boost. The Government listened and heard that small business and patrons across New South Wales are seeking more entertainment options and it has prioritised that in the bill.

The Government recognises that the 24-hour economy has seen the emergence and continued growth of online alcohol sales and same-day delivery markets in New South Wales. The bill provides a contemporary regulatory framework for responding to the risks of fast and convenient alcohol delivery services. The bill introduces the first targeted regulatory framework of its type in Australia for same-day alcohol delivery with a range of measures to manage the risks of minors or intoxicated people accessing same-day alcohol. I thank the stakeholders for bringing those risks to our attention and for being so thorough in their advocacy. The Government has listened and that framework is included in the bill. It will lift standards so they are far more in line with those that apply at licensed premises, as they should be.

New offences and tailored training for people making same-day deliveries are among the strong measures in the bill to prevent minors and intoxicated people accessing alcohol. Controlled purchasing operation provisions

introduced by the amendment agreed in the Legislative Assembly will further strengthen investigation and enforcement relating to the new same-day delivery laws. They will mean that Liquor & Gaming NSW can run controlled purchasing operations with undercover customers to identify where same-day delivery providers or staff and agents are breaking the laws as part of home deliveries. That is built into the legislation and will significantly enhance oversight. I welcome the Government's response and am pleased that the 24-hour Economy Strategy has been put in place. The Government has embraced and run with the 24-hour Economy Strategy, which is a magnificent response. I thank and acknowledge the Government's work in response to the great work of committee members.

The Government has recently released its 24-hour Economy Strategy. It sets out an ambitious vision to activate a vibrant, diverse, inclusive and safe 24-hour economy in Sydney. I have said it before, and I will get in trouble for saying it again, but we want the city to secure its place as the only global city in Australia; a global beacon of culture, entertainment and amenity. I mean no disrespect to other States but they are not as good as we are. Some of the critical pillars of the strategy include:

- Encourage the diversification of night-time activities by supporting a wider variety of businesses at night.
- Nurture industry and cultural development to help entrepreneurs thrive in the 24-hour economy.

We want them to come up with the ideas. We want to support them and help them go forward. The Government is being innovative and open to change and that is exactly what the bill encompasses. Beyond the small bar changes I have outlined, a range of other reforms are included in the bill that will be key to achieving those outcomes in Sydney.

Under schedule 2 to the bill is a new cumulative impact assessment framework, which is intended to be used immediately to replace the freeze on licences in the Sydney CBD and Kings Cross precincts. That is exactly what the industry told us it needed; we have listened and we are responding. As part of its response to the Joint Select Committee on Sydney's Night Time Economy, the Government is committed to moving away from the blanket freeze to a more sophisticated, evidence-based approach to managing density. The proposed new framework in the bill provides this alternative approach. It will enable the authority to issue a cumulative impact assessment for the precincts and allow the longstanding freeze—which has been in place in some areas for 11 years—to be lifted.

Replacing the freeze with a cumulative impact assessment is expected to unlock new opportunities for businesses across large parts of the precincts. Pubs, clubs, nightclubs and bottle shops will be able to apply for new liquor licences and late-night trading. Importantly, the new framework will ensure that any higher-risk pockets of the precincts that continue to be hotspots for alcohol-related harm will continue to be managed carefully. It is exactly what we heard from stakeholders and it is exactly what we are responding to and implementing. Where there is evidence of alcohol-related problems, the authority will be able to weigh the cumulative impacts from licensed premises and designate specific areas of the precincts for more careful management. It responds to our request to have a fit-for-purpose regime that acknowledges and incentivises good behaviour.

There will be a presumption against the grant of further applications for higher-impact licences and late-trading premises in those designated cumulative impact areas. That will ensure that existing problems do not get worse. It will avoid repeating mistakes of the past when high-impact venues had been permitted to cluster together, thereby creating a density issue and worsening the problem. Importantly, the new framework will not affect applications from dedicated live music and entertainment venues, small bars and standard restaurants and cafes. The authority will also still be able to approve licences for other types of venues in identified cumulative impact areas, provided the applicant can show that their proposal will have an overall positive social impact. That means that there is far more scope for the authority to approve licences for new and innovative business models in the precincts—exactly what we want to welcome and encourage—that is, for venues that can offer the community something different from existing offerings and that can show that they will manage the risks associated with their offering.

Collectively the new arrangements go towards enhancing the character and diversity of the precincts while ensuring that risks are managed in an evidence-based way. The Government is taking a range of other measures within the 24-hour Economy Strategy. They reflect how serious we are about supporting more diversity in the 24-hour economy and supporting business. Sydney, with its temperate climate—we are going into summer and we can feel it now—and outdoor spaces, is a prime location for more alfresco dining options. Recently the Government has set up a task force that is working to activate outdoor hospitality spaces, making it easier and faster to get approvals for alfresco dining and drinking. We know that many councils are looking at those issues and we need licensing options that support businesses that want to provide an outdoor dining service. It is a fundamental part of our Sydney experience and our climate. We welcome those changes and embrace them.

The Government wants to streamline existing requirements so that we have a pilot in place in The Rocks and in other locations in Sydney before summer. We also want to see long-term solutions where it makes sense to standardise the outdoor drinking and dining scene across broader areas. We have also flagged in our 24-hour Economy Strategy that we will provide more support for pop-up bars and events. We want to continue to simplify requirements and improve affordability for creating pop-ups and cultural events, which we heard about extensively in the inquiry.

The Hon. Walt Secord: Pop-ins?

The Hon. NATALIE WARD: Pop-ups and cultural events. We are encouraging good work by creative entrepreneurs. The initiatives can only build upon the improved conditions for licensing conditions for small bars and the range of other venues in the bill before us today. The bill's proposed reforms, along with the Government's 24-Hour Economy Strategy, will go a long way towards supporting a vibrant and diverse 24-hour economy, one with great dining options, safe places to socialise and have a drink, a thriving live music and mirror ball scene, and a lively and exciting atmosphere that can be enjoyed by all. I commend the bill to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:53:24**):** I welcome the Liquor Amendment (24-hour Economy) Bill 2020. I had some views on the Liquor Amendment (Right to Play Music) Bill 2020 that was passed by this Chamber last night. The bill impacts small business directly. Coming out of a pandemic, we have an obligation to do things that will benefit small businesses and create jobs in small businesses in New South Wales. We can do that in lots of ways. I attended the Summer 2020 conference in which we explored with a number of businesses in the CBD opportunities for them to recreate life within the CBD. Many of the matters that arise in this bill, which were the subject of the bill passed last night and will be the subject of amendments to this bill, are designed specifically to improve the quality of the night-life in the CBD and to activate many of those precincts that have been very badly impacted by the pandemic.

To the extent that we owe an obligation to those businesses to create jobs within the CBD, we ought to be doing that. We can identify first and foremost that we must bring people back into the city. I think all businesses and the Government, to the extent that it is one of the large employers, ought to be getting their people back into work in a manner that is as COVID-safe as possible so that we reinvigorate the economy. The second thing we can do as a government is to get out of the way of those businesses that are trying to make a dollar and trying to create a sense of vibe and energy in the city, and get rid of the red tape that surrounds the opportunities for those businesses in the CBD.

I make a very interesting observation, and I am sure it will appeal to the Hon. John Graham: The City of Sydney wants to work with small businesses with a view to having live entertainment for small businesses in the CBD and has created a fund for entertainers who would operate within small businesses in the CBD—whether it is a cafe or an outdoor venue—for potentially giving them an opportunity to get more customers in for an experience. That is what we as a government and both sides of Parliament ought to be doing to be able to say that we are improving the quality of life and that, just as importantly, we are ensuring that we are creating venues that provide job opportunities for people. That is fundamental to the business model of lots of those entertainment precincts within the CBD—the small bar venues that we are trying to encourage and which this bill is trying to encourage to get people back into CBD businesses.

The bill contains provisions that make it easier to obtain pop-up licences. Those sorts of opportunities in liquor licensing are important components in small businesses being able to stay open longer and being able to offer entertainment and a lifestyle within the CBD. I acknowledge some of the reservations that people have about the service of alcohol, but those circumstances can be addressed. First and foremost, we have an obligation to ensure that we get people into the CBD to have a vibrant night-time economy within the CBD, or anywhere else for that matter.

In the debate last night there was mention of trucks being parked in Tamworth and about bars in Dubbo and the like, all of which were impacted by government or local government regulation, which acted as a barrier to business opportunities. Wherever those business opportunities exist, there is an imperative on Government to get something done and get out of the way of businesses to give quality of life to people in regional areas. Let us get rid of some of the misconceptions about the entertainment industry and that entertainment is in some way a barrier to the quality of life of people who live in a neighbourhood. We ought to be saying that having local opportunities in our neighbourhoods is improving them. Entertainment should not be seen as a barrier to the quality of life in any neighbourhood. I urge all members to support the bill and I welcome debate on any amendments.

Debate adjourned.

Announcements

PHOTOGRAPHER IN THE LEGISLATIVE COUNCIL

The PRESIDENT: I inform the House that a photographer from *The Sydney Morning Herald* will be in the press gallery at 12.10 p.m. and again at 3.00 p.m. to take still photographs only.

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

Questions Without Notice

RIVERINA CONSERVATORIUM OF MUSIC

The Hon. ADAM SEARLE (12:00:51**):** 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. Given the Minister's answer yesterday on disgraced former Wagga Wagga MP Daryl Maguire and the $30 million Riverina Conservatorium of Music, will the Minister provide the time and date of every meeting involving Mr Maguire and representatives of the Government leading to the announcement?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:01:21**):** I indicated yesterday that the Riverina Conservatorium of Music project is an excellent project. All my interactions with Mr Maguire were based purely on him being the member for Wagga Wagga and advocating for a good cultural infrastructure project just as any number of other members from across the State have advocated for their projects. There are 136 projects being supported under the Regional Cultural Fund, including at least two other projects in the Wagga Wagga electorate. This project is not being funded from the Regional—

The PRESIDENT: The Minister will resume his seat. The Clerk will stop the clock. I am happy to be corrected by the Leader of the Opposition, but I recall that the question was directed to the Leader of the Government. I do not believe that the Leader of the Opposition directed the question to the Hon. Walt Secord. The Hon. Walt Secord has two choices: He can remain silent and allow the Minister to answer the question or he can take a point of order if he believes he has one. Otherwise I have only one choice and that is to call him to order. The Minister has the call.

The Hon. DON HARWIN: As I was saying, there are at least two other projects in the Wagga Wagga electorate that are being supported by the Regional Cultural Fund. This project is not. Yesterday I outlined in detail what the arrangements are for this fund. The involvement of the Arts portfolio is peripheral to this project. I made one media announcement on behalf of the Government because I was in Wagga Wagga on another matter. I am puzzled as to why the question is being asked. Is the Opposition suggesting there is something untoward about this particular project?

The Hon. Walt Secord: Yes, we are.

The Hon. DON HARWIN: If so, the Opposition should get to the point and ask it because I do not see the need. This project is like any number of other regional cultural projects that have been put to me by sitting members. I have no reason to believe it is anything other than a very good project.

The Hon. ADAM SEARLE (12:05:11**):** I ask a supplementary question.

The PRESIDENT: Members having conversations across the Chamber are being rude to the Leader of the Opposition.

The Hon. ADAM SEARLE: I am offended but what can we do?

The PRESIDENT: I apologise on their behalf.

The Hon. ADAM SEARLE: I accept it.

The PRESIDENT: The Leader of the Opposition will ask a supplementary question.

The Hon. ADAM SEARLE: I refer to that part of the Minister's answer where he spoke glowingly of Mr Maguire's advocacy for this project. Will the Minister inform the House how many meetings he had with Mr Maguire and when did they occur?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:05:52**):** I would have to check those details and I am happy to check.

The Hon. WALT SECORD (12:06:03**):** I ask a second supplementary question. Will the Minister elucidate his answer about the "two other projects" that he referred to in his answer? Were all proper processes and probity requirements followed for those two projects?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:06:19**):** I have spoken about the Greens Gunyah Museum at Lockhart and the Literary Institute at Batlow on many occasions in this House. The honourable member should consult the answers about those two projects. Regarding all proper processes, the Regional Cultural Fund engaged probity advisers and they have signed off on the allocations from that fund.

COVID-19 AND SYDNEY OPERA HOUSE

The Hon. TAYLOR MARTIN (12:06:56**):** My question is addressed to the arts Minister. Will the Minister update the House on the reopening of the Sydney Opera House following its closure due to the COVID-19 pandemic?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:07:11**):** I am very happy to do that. The Hon. Taylor Martin will be interested to know that despite having been closed since March due to COVID-19, yesterday the Sydney Opera House announced its next step in welcoming audiences and visitors back to the site with a great summer program. The return of live performances at the Opera House is a magnificent moment and another welcome symbol of a gradual return to normality. The Opera House was built to serve the people of New South Wales so it is wonderful to see its theatres and venues reopening, with a focus on programming for local audiences. A diverse range of performances, events and experiences are on offer; there is something for the whole community. Events include Australia's First Nations dance competition Dance Rites and a new season of *Rules for Living* from the Sydney Theatre Company.

In preparation for its reopening, the Opera House has launched a good new initiative, New Work Now, created in response to COVID-19 that will provide meaningful support for local Australian artists and arts workers through commissioning, developing and presenting new works. More than $1 million has already been raised through the initiative from major donors of the Opera House as well as from its corporate partners, staff, building and other contractors. I pay tribute to the idealists who do a great job. The line-up of new commissions includes a global collaboration from the Indigenous World Art Orchestra, a new production from Sydney Chamber Opera, as well as new work *CRUSH* by Australian company Branch Nebula.

In March the Sydney Opera House launched *From Our House to Yours*, a free digital program to connect with, inspire, educate and entertain local and global communities. Since its launch the program has been enthusiastically received, with almost 5.7 million views and downloads of performances, talks, podcasts and written content, as well as new events live streamed from the Joan Sutherland Theatre stage. I certainly downloaded quite a few. There were some excellent performances. I particularly enjoyed Tim Draxl's cabaret, which was fantastic. I congratulate and thank the Sydney Opera House and the wider arts and cultural sector for their continued commitment to connect artists and audiences during COVID-19. They have done a really good job and there is nothing quite like the arts to bring us together. [*Time expired.*]

RIVERINA CONSERVATORIUM OF MUSIC

The Hon. PENNY SHARPE (12:10:14**):** I direct my question without notice to the Special Minister of State and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that disgraced Wagga Wagga MP Daryl Maguire was forced to resign in July 2018 due to ICAC revelations, why did the Minister involve him in discussions involving the allocation of $30 million for the Riverina Conservatorium of Music when he was no longer a member of the Liberal Party and the Berejiklian Government?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:10:48**):** I am not sure that I did. If the honourable member has some information suggesting that I did, she should supply it to me.

The Hon. PENNY SHARPE (12:11:03**):** I ask a supplementary question. Will the Minister please elucidate his answer. Yesterday he said that he probably had a meeting. There were announcements that suggest that he did have a meeting. Will the Minister confirm to the House whether or not he met with Daryl Maguire regarding the Conservatorium of Music after he had resigned from Parliament?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:11:20**):** My recollection is that I did not, but I will check.

FORESTRY CORPORATION

Mr JUSTIN FIELD (12:11:30**):** My question without notice is directed to the Minister for Finance and Small Business as a shareholder Minister of the Forestry Corporation of NSW. In previous answers to me in this place the Minister has articulated that the responsibilities of a shareholding Minister are defined by their focus on business strategy and direction. Is the Minister aware that the Forestry Corporation has indicated to neighbours of the South Brooman State Forest on the South Coast that it intends to commence logging in three more areas of burnt forest under pre-fire logging rules, and that the Environmental Protection Authority has responded publicly to the Department of Regional NSW and the Forestry Corporation that such logging without conditions to address the environmental risks may be in breach of the New South Wales Forestry Act 2012? As a shareholding Minister, does he support the decision by the Forestry Corporation to support a business strategy and direction that may be in breach of New South Wales law?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:12:30**):** I thank the member for his question. I will start by saying that the New South Wales Government expects State-owned corporations and government agencies to comply with all relevant laws and regulations.

The PRESIDENT: The Minister will resume his seat. The Clerk will stop the clock. I thought Mr Justin Field asked the question. I was not mistaken.

The Hon. DAMIEN TUDEHOPE: The Government expects all State-owned corporations and government agencies to comply with all relevant laws and regulations. There is no exception when it comes to the Forestry Corporation. As the honourable member has correctly identified, my responsibility as a shareholding Minister is to focus on business strategy and direction, with the kind of matters that fall within those responsibilities including the review of six-monthly business performance reports to shareholders; signing statements of corporate intent; review of board appointments for Cabinet consideration; and considering dividend returns, if any, to the Government. The honourable member raised an assertion that certain proposed actions of the Forestry Corporation may involve a breach of the provisions of the Forestry Act 2012. When it comes to potential breaches of regulation and laws, that is clearly an operational matter for the Forestry Corporation board and management.

It should be addressed to the portfolio Minister of the State-owned corporation, which is the Deputy Premier John Barilaro, represented in this place by the Deputy Leader of the Government. Notwithstanding that, I am advised that native forest harvesting is regulated through integrated forestry operations approvals, which are enforced by the Environment Protection Authority [EPA]. The summer bushfires had a devastating impact on State forests, with 50 per cent of native forests and 25 per cent of softwood plantations affected by fire. I am advised that the Forestry Corporation has been working with the EPA, the Department of Regional NSW and the Department of Primary Industries since January 2020 to find a balance between additional environmental prescriptions warranted post-fires and an industry solution to keep timber supplies flowing to that vital regional industry. I indicate to the honourable member that if there is additional information which he seeks I am happy to seek it on his behalf.

Mr JUSTIN FIELD (12:15:23**):** I ask a supplementary question. Will the Minister elucidate his answer where he talked about his involvement in six-month business performance reporting? In any engagements the Minister has had in the preparation of or hearing about the six-month business performance reporting of the Forestry Corporation, has the issue of acting under the integrated forestry operations approvals instead of site-specific conditions been raised as a business performance issue?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:16:00**):** I thank the member for his supplementary question. In fact, it is a fair question. I can indicate that to the best of my recollection—that seems to be a good phrase to use these days—it has not been brought to my attention that there has been any action taken by the EPA which should be brought to the attention of the shareholding Ministers. I would expect that if there is a significant action—

The PRESIDENT: The Minister will resume his seat. The Clerk will stop the clock. I find it discourteous enough when a member asks a question and another member of the same party continues to interject. But it is completely unacceptable when an Independent member asks a question and members from a completely different party continue to interject to a Minister directly answering the question of the member. I call the Hon. Walt Secord to order for the first time. I call the Hon. John Graham to order for the first time. Mr Justin Field has the right to an answer to his question.

The Hon. Walt Secord: Mr President, I am sorry. You are mistaken. I was sitting throughout that entire question, writing a note.

The PRESIDENT: I accept what the member is telling me. I withdraw the Hon. Walt Secord's call to order. The Hon. John Graham remains on his call to order.

The Hon. DAMIEN TUDEHOPE: If the EPA were taking action against the Forestry Corporation which had an impact on its balance sheet I would expect that would be drawn to the attention of the shareholding Ministers as a component of its ability to pay dividends to the Government. To the best of my knowledge I have not seen that entry or been advised whether the EPA is in fact taking action. Although it was potentially raised in this place in the last few days, it has not been drawn specifically to my attention that this is an issue which we should be aware of that will have an impact on the ability of the Forestry Corporation to pay a dividend to the Government. I will seek further details and am happy to provide those details to the member.

STUDENT LITERACY AND NUMERACY ASSESSMENT

The Hon. MATTHEW MASON-COX (12:19:20**):** My question without notice is addressed to the Minister for Education and Early Childhood Learning. Will the Minister outline to the House how the New South Wales Government is ensuring that no student is left behind in their learning?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:19:39**):** I thank the member for his question. We know how important it is for teachers to check how students are tracking in their learning, especially in literacy and numeracy. That is why we are expanding our new assessment tool to year 3 students. The tool was designed for New South Wales public schools after overwhelmingly positive feedback on the new assessments for years 5 and 9. We are arming New South Wales public school teachers with new reading and numeracy assessments to help schools identify a student's current ability as well as opportunities to improve teaching and learning. The new check-in assessment package, which is an optional online reading and numeracy assessment for students in years 5 and 9, will be expanded to year 3. The progress of year 7 students will be checked through the Best Start Year 7 assessment, which is also run for kindergarten students. That assessment package enables schools to assess student learning following the period of learning from home due to COVID-19. It enables schools to determine where students are up to and the support they need to get their learning back on track.

The response from schools to the check-in assessments has been fantastic. More than 1,290 schools have registered. The online assessment delivers results in only two days and is accompanied by links to teaching strategies that will enable teachers to focus on "where to next" for students. We know from receiving feedback from teachers that they are particularly excited about measuring student growth as well as the flexibility of the check-in assessment. Feedback about the assessment tool will contribute to this Government's curriculum overhaul, which will see a renewed focus on literacy and numeracy. The check-in assessments supplement existing school practices to help identify how students are performing in reading and numeracy and to help teachers tailor their teaching more specifically to student needs. The assessment package is supported with resources and professional learning to assist schools to administer the assessments, analyse assessment feedback and plan for teaching. Importantly, our educators will be able to assess how student cohorts are progressing in the overall education system operating within each participating school.

The check-in assessment is on demand, which gives schools the flexibility to schedule the assessment to best suit their school and student needs. The 1,200 schools that have registered so far include 1,031 primary schools, 213 secondary schools, 41 central schools and eight schools for specific purposes. The year 5 and year 9assessments took place between 17 August and 4 September. The year 3 assessments began on 21 September and will conclude next week on 23 October. We know how important it is for teachers to assess how learning from home has affected students' education. We will continue to ensure that schools have the resources that they need to support student learning. During the unprecedented circumstances of the COVID-19 pandemic our staff and students have continued their teaching and learning. The new assessment tool will help to ensure that no student is left behind.

ANIMAL WELFARE

The Hon. EMMA HURST (12:22:50**):** My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. According to the RSPCA it can take only six minutes for a dog to die of heat stroke in a car, particularly as we come into the hot Australian summer. Recently Victoria introduced new regulations to make it an offence to leave an animal unattended for more than 10 minutes if the outside temperature is more than 28 degrees. Why is it not an offence to leave a dog unattended in a hot car in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:23:28**):** I thank the member for her question. I welcome the opportunity to address the House on this important issue. The Government knows how important dogs are to families across New South Wales. We are committed

to ensuring the best for those important family members. Pet dogs make people healthier and happier and pet ownership plays an important role in bringing local communities together. The New South Wales Government takes animal welfare very seriously, which is why this State has one of the strongest frameworks and protection measures in place to protect our furry loved ones. The Prevention of Cruelty to Animals Act 1979, referred to as POCTA, protects animals in New South Wales. Under that Act it is a cruelty offence if an animal is unreasonably, unnecessarily or unjustifiably exposed to any excess heat or is inflicted with pain. Harsh penalties await people caught committing those offences.

Leaving a dog exposed to excess heat in a car, to which the honourable member referred in her question, is an offence under the Act, and the existing penalties apply to a person who commits that offence. The Government is fiercely committed to ensuring that animal welfare is of the highest standard in New South Wales so protection does not end there. No-one wants to see a domestic pet or any animal suffer so it is also an offence to carry or convey an animal in a manner which unreasonably, unnecessarily or unjustifiably inflicts pain upon the animal. The maximum penalties for each of those offences is $5,500 and/or six months imprisonment for an individual and $27,500 for a corporation.

The New South Wales Government shares the community's high expectations for the welfare of its beloved dogs. Accordingly, we work hand in hand with the community to promote responsible animal ownership and care in New South Wales. Community expectations evolve in response to many issues and animal welfare is no exception. That is why the Government is undertaking widespread ongoing public consultation on the Animal Welfare Action Plan. Our strong framework and protection measures for welfare evolve to meet community expectations. The first phase of submissions on the Animal Welfare Action Plan is underway. Further opportunity for public consultation will be provided. The Government is looking to introduce a reform package.

The Government remains committed to working with organisations and the public to ensure that the highest standards of animal welfare are upheld to ensure positive outcomes in New South Wales. We are proud of the outcomes achieved in this area and of the measures that are in place already. The animal lovers among us, particularly pet lovers, will be reassured to hear that from the Government. I am sure all members, particularly rural and regional members, are very excited to return home soon to see their animals. [*Time expired*.]

RIVERINA CONSERVATORIUM OF MUSIC

The Hon. WALT SECORD (12:26:38**):** 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. Given the Minister's previous answers to questions about disgraced former Wagga Wagga MP Daryl Maguire and the $30 million Riverina Conservatorium of Music, what conversations did the Minister or his office have in 2017 and 2018 with the Premier or her office regarding the allocation of that funding?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:27:14**):** That is almost three years ago. I will take the question on notice. I am sure there would have been conversations with the Premier's office staff about it simply because I made a media announcement about it and the usual protocol would be for a Minister to discuss it with the Premier's office. There would be nothing remarkable about that. I do not recall having any conversations with the Premier about it. However, I will take the question on notice.

The Hon. WALT SECORD (12:27:46**):** I ask a supplementary question. Will the Minister elucidate his answer on notice and include any pop-ins?

The PRESIDENT: That is not a valid supplementary question because it does not tick the three boxes. It is a new question. Cleverly the member tried to link it to part of the answer given to the original question. The supplementary question is out of order.

RURAL WOMEN

The Hon. LOU AMATO (12:28:18**):** My question is addressed to Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on how the New South Wales Government is supporting rural women?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:28:34**):** I thank the member for his important question. Today is International Day of Rural Women on which we acknowledge the contribution women make to agriculture, business and community life in our rural and regional areas. I am a proud country woman. As many members will know, I live in Nimmitabel, where I raised my two girls. I understand the unique barriers faced by women who live in regional and rural areas. I know that women are often the ones who lend a listening ear, put themselves second, lift up those around them when times

are tough and bring communities together. That is why I am pleased that the theme for this internationally recognised day in 2020 is helping rural women build resilience.

Hasn't 2020 been a year when all of us have been tested? In regional areas, with the additional challenges of drought and bushfires, resilience is the key to supporting ourselves and our communities. Tonight is the first of eight free live virtual BEtreat re-set sessions for rural women. Delivered in partnership with The NSW Rural Women's Network and the Rural Woman, they will provide rural women with an opportunity to breathe and reset as well as gain essential skills to help them continue to support their families and communities during tough times.

Today I am delighted to be announcing the 2020 Hidden Treasures Honour Roll with agriculture Minister, Adam Marshall. This important award recognises the outstanding contributions that regional women volunteers make to their communities. Without them, the fabric of our regional communities would be vastly different. The awards are a great way of acknowledging those women for their generosity and selflessness in helping our communities recover and continue to thrive. I am also proud to have recently supported four webinars delivered by the Country Women's Association [CWA] and Dress for Success about increasing work opportunities for women living in rural New South Wales. I am a proud CWA member and am delighted we were able to work with it and Dress for Success to deliver those fabulous webinars.

I also note that today marks the one year anniversary of Buy from the Bush. I give a huge shout-out to Grace Brennan from 70 kilometres outside of Warren, who started the movement to encourage people to support regional businesses and services that were doing it tough. I am sure members remember the amazing comments from finance Minister, the Hon. Damien Tudehope, about that incredibly successful program. My earrings and the lampshade in my parliamentary office are from Buy from the Bush. It was a fantastic initiative. Rural women are an extraordinary bunch and I am grateful for the many role models I have had the privilege of meeting in my everyday life as well as in the work I do as the Minister for Mental Health, Regional Youth and Women. I ask all members to join me in acknowledging those women for their generosity, selflessness and the work they do every day to help our communities recover and thrive.

THE HON. GLADYS BEREJIKLIAN

The Hon. MARK LATHAM (12:31:41**):** My question is directed to the Leader of the Government and also in his capacity representing the Premier. Given the Minister's obligation for honesty and integrity under the NSW Ministerial Code of Conduct, and his reporting obligations under the Independent Commission Against Corruption Act, when did the Minister first learn of the close personal relationship between the Premier and Daryl Maguire? What advice did he give the Premier or Mr Maguire about perceptions of wrongdoing, given Mr Maguire's extensive business interests?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:32:08**):** I learnt about it on Monday, like you did.

RIVERINA CONSERVATORIUM OF MUSIC

The Hon. COURTNEY HOUSSOS (12:32:23**):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the $30 million allocated to the Riverina Conservatorium of Music is more than the combined total funding provided to the other 18 conservatoriums, how does she justify that expenditure?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:32:49**):** I thank the honourable member for her question. I can advise her that the NSW Department of Education contributes funds to the music education component of the NSW Regional Conservatoriums' work. Program funding is not to designed to cover construction costs of regional conservatoriums. Given it has been canvassed a lot today, members would know that in 2018 the New South Wales Government announced it would commit $20 million to the construction of a purpose-built recital hall to house the Riverina Conservatorium of Music. At the time of that announcement I was not education Minister, nor was I involved in the announcement. However, I have been advised that the funding did not come from within Education's budget.

The Hon. COURTNEY HOUSSOS (12:33:35**):** I ask a supplementary question. Will the Minister elucidate her answer where she said that the funding did not come from the Department of Education? Is she aware of where the funding came from?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:33:49**):** I thank the honourable member for her question and I will take it on notice. As I said, I was not the Minister at the time and the advice I have from my department is that it did not come from the Department of Education. I will make some inquiries and see what other information I can find out for the member.

The Hon. MARK BUTTIGIEG (12:34:09**):** I ask a second supplementary question. Will the Minister elucidate whether or not she is able to give us that answer before the close of question time today?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:34:30**):** The honest answer is that I do not know. I will do my best and, if I am not able to, I will respond in the usual time frame that is allowed for when members take questions on notice.

OUTDOOR DINING AND MUSIC PERFORMANCES

The Hon. SAM FARRAWAY (12:34:50**):** My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government easing restrictions on outdoor dining and music performances while assisting businesses and their customers to stay COVID-19 safe?

The Hon. Walt Secord: Point of order: Legislation is before the House on that subject so the question is pre-empting debate. I suggest that it be ruled out of order.

The PRESIDENT: The member has raised a good point of order. The question in no way refers to the bill and therefore it is in order. But I indicate to the Minister that he should not refer to any aspect of the bill or relate his answer in any way to any aspect of the bill.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:36:18**):** I acknowledge the ruling and I thank the member for his question. He always asks great questions about small business. From the start of the COVID-19 pandemic, the Government has been focused on the twin goals of a robust public health response and positioning the State for an economic recovery. Public health orders have been made and eased in response to public health advice, with measures put in place to assist businesses to comply and keep their staff and customers safe during the crisis. But we are not through this health pandemic yet, which is why we are still advising businesses to get COVID safe. Many are doing the right thing.

As of 12 October, 92,580 businesses had registered as COVID-19 safe businesses, including 21,680 cafes and restaurants; 3,713 pubs, clubs, bars and breweries; more than 5,041 beauty, nail, waxing, tanning and hairdressing salons; and over 2,779 gyms. As at 11 October some 18,854 New South Wales businesses had been visited by inspectors empowered to enforce the COVID-19 public health orders as well as assist businesses with advice on compliance. Some 8 per cent received a warning and 57 per cent were given further COVID-19 safe business guidance.

Earlier this week the best Premier in the country, Gladys Berejiklian, announced that restrictions for outdoor dining and outdoor music performances will be eased under relaxed COVID-19 safety rules. From this Friday 16 October restrictions at hospitality venues will be eased to allow one patron for every two square metres in outdoor areas, essentially doubling the capacity. In addition, 500 people will be allowed to attend outdoor music performances and rehearsals, subject to the four square metres rule. That is a substantial change from the 20 people previously allowed. The changed approach still requires that people remain seated.

In the slightly altered lyrics of the old Martha and the Vandellas song, "We are calling out around the world. Are you ready for a brand-new beat? Summer's here and the time is right, for dancing on your seat." As the Hon. John Graham observed last night, it is always a good sign when people are dancing, not rioting. However, both he and I will have to wait a little longer before we can get to our feet and bust out our moves to the beat of our favourite songs. But that day is coming.

DEPARTMENT OF COMMUNITIES AND JUSTICE

Reverend the Hon. FRED NILE (12:39:32**):** My question without notice is directed to the Minister for Education and Early Childhood Learning, representing the Minister for Families, Communities and Disability Services. Is the Minister aware of any cases where a Federal court has made disparaging remarks about the NSW Department of Communities and Justice? Has the Minister received any information from any Federal body concerning the department, specifically any complaints about its operations?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:40:06**):** I have been advised that the Department of Communities and Justice continually engages with courts and other bodies on operational issues that fall within its responsibilities and works constructively with them to resolve any issues of concern that are identified. More specifically, I am advised that the Minister for Families, Communities and Disability Services is happy for Reverend the Hon. Fred Nile to bring any specific issues to his attention. His office would be more than happy to look into any of those matters.

THE HON. GLADYS BEREJIKLIAN

The Hon. TARA MORIARTY (12:40:56**):** My question without notice is directed to the Leader of the Government, Special Minister of State and Minister for the Public Service and Employee Relations, Aboriginal

Affairs, and the Arts. Given that the former Director of Public Prosecutions Nicholas Cowdery called on the Premier to stand aside this morning, does the Minister still stand by her?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:41:15**):** Absolutely.

CREATIVE KIDS PROGRAM

The Hon. TREVOR KHAN (12:41:38**):** My question is addressed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister update the House on how the Government is supporting school-aged children to engage in arts and cultural activities?

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**):** It is a Thursday and I was very tempted to follow the Hon. Damien Tudehope with—

The Hon. Mick Veitch: Dancing.

The Hon. DON HARWIN: The Hon. Damien Tudehope's predecessor as member for Epping was a very good singer. I do not know what the Minister is like, to be perfectly honest.

The Hon. Damien Tudehope: You do not want to know.

The Hon. DON HARWIN: I agree, I do not want to know. It was suggested to me that perhaps I might do another Archibald answer. Some members will remember that. The Hon. Niall Blair will certainly remember that one. We are not going there notwithstanding the quite extraordinary entrant that displays Matt Kean with a flaming waratah, which the Hon. Walt Secord has referred to in questions on notice. We are not going near the Archies either. We are talking about Creative Kids. The number of approved Creative Kids providers has reached more than 4,100, with performing arts being the most popular category. Since the launch of the program, parents, guardians and carers have downloaded 680,000 vouchers, with over 350,000 vouchers in 2020 to date. That is a potential $68 million to support the engagement of school-aged children in arts and cultural activities.

Over 440,000 vouchers have been redeemed since the launch of the program. That means over $44 million in cost-of-living savings to New South Wales families as well as much-needed support for the arts, cultural and creative sectors. As of today 219,230 vouchers have been redeemed in 2020. That exceeds the total number of vouchers redeemed for the entirety of 2019. Since the impact of COVID-19 restrictions, 646 Creative Kids providers are now delivering online or digital classes. That is up from 58 in April 2020—more than a 1,000 per cent increase in the number of digital providers. That was facilitated in part due to the Creative Kids Small Business Grant Program, which distributed $1.2 million in funds to 266 providers to assist them to transition their offerings digitally during the COVID-19 pandemic. This program demonstrates that the New South Wales Government is committed to ensuring our State's youth have access to the best arts and cultural experiences on offer.

GREYHOUND WELFARE

The Hon. MARK PEARSON (12:44:51**):** My question is directed to the Minister for Finance and Small Business, representing the Minister for Better Regulation and Innovation. A Coalition for the Protection of Greyhounds [CPG] study found that more than 2,300 former racing greyhounds destined for rehoming over the past year have disappeared and are feared dead. The CPG is lobbying for the Government to transfer racing greyhound details from the State regulator to the NSW Pet Registry upon the greyhounds' exit from the industry. This will provide easily verified whole of tracking. Will the Minister commit to this transfer and, if not, why not?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:45:52**):** That is clearly not a matter that falls within my portfolio. I will undertake to get the honourable member an answer in the ordinary course of business.

The Hon. Mark Pearson: Hopefully the Minister will answer.

The Hon. DAMIEN TUDEHOPE: Hopefully he will answer. I will take the question on notice.

MEMBER CONDUCT

The Hon. MARK BUTTIGIEG (12:46:24**):** 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. Given that disgraced former Wagga Wagga MP Daryl Maguire has admitted to operating a "cash for visas" scheme from his parliamentary office, is the Government satisfied that no other members are using their parliamentary offices and facilities to undertake business activities?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:46:59**):** I am not aware of any but I will take the question on notice.

COVID-19 AND REGIONAL EDUCATION

The Hon. LOU AMATO (12:47:12**):** My question is addressed to the Minister for Education and Early Childhood Learning. How is the New South Wales Government supporting teaching staff in regional parts of the State, especially during the COVID-19 pandemic?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:47:26**):** All members of the House would agree that the COVID-19 pandemic has been a trying time for everyone, including people in regional New South Wales. During this period I have been working with the Department of Education to provide support for our staff and students living in remote areas of the State, whose isolation period would have been heightened by the fact that their regular daily encounters with their colleagues and peers changed significantly. Learning from home, while beneficial in flattening the curve of COVID-19 infections and getting children back into the classroom sooner, was not without its challenges for our staff. That is why I am thankful for initiatives like statewide staffrooms, a program that was launched by the Government this year. Statewide staffrooms are collaborative learning spaces that take place on Microsoft Teams for teaching staff to share resources, videoconferencing and interactive collaboration applications with other teachers across the State. The statewide staffrooms were created to connect our curriculum teams and teachers in a collaborative and collegial space.

During the pandemic this platform has given teachers the opportunity to explore different ways of lesson delivery, access professional learning and advice and get the latest health information in a positive and safe environment. I am advised that the statewide staffrooms have been hugely successful in facilitating connections between teachers and specialists to provide immediate, responsive support to the issues and concerns most pertinent to teachers in 2020. I am also advised these staff meetings will continue post-COVID-19 to provide staff across the State, no matter how geographically isolated, with high-quality, accredited professional learning hours. I am thrilled that 30 major statewide staffrooms have been established this year, including six for exclusive use by our valued school administration and support staff. The staffrooms are providing support to 31,250 Department of Education staff across New South Wales.

A number of statewide staffrooms provide information sessions on extremely important issues such as staff health and wellbeing, Aboriginal education, literacy, numeracy and cultural heritage. I am also advised that one of the largest and most active statewide staffrooms is the secondary maths group, which has over 3,000 staff sharing resources and learnings. Those specialist learning groups are also supported by curriculum experts who can provide advice on how to deliver top quality lessons to students. As Minister for Education and Early Childhood Learning, I am always thrilled to hear of the innovative ways that staff right across the State have come together in this difficult time of the COVID-19 pandemic. I am very thankful to the wonderful teachers right now across New South Wales, but especially in regional parts of the State. As we recover from a crippling drought, bushfires and now a global pandemic, our regional students need more support than ever from our Government. I am very grateful to our teachers, who are working incredibly hard to support students in this endeavour.

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

The Hon. ROD ROBERTS (12:50:30**):** My question is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, representing the Premier. Why did the Premier refuse to answer questions at her press conference yesterday about notifying Australian security services about her relationship with Daryl Maguire? Yesterday the Minister said that this is a very important issue. Will the Minister now inform the House what notifications have been made given that Mr Maguire was surrounded by Chinese money and Chinese spies?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:51:01**):** I thank the Hon. Rod Roberts for his question. It includes a number of assertions, some of which include conclusions that I certainly am not familiar with. Therefore the safest thing to do is make inquiries, seek an answer from the Premier and respond to the question on notice.

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

The Hon. MICK VEITCH (12:51:35**):** My question without notice is directed to the Minister for Education and Early Childhood Learning, representing the Minister for Regional New South Wales, Industry and Trade. Given that former Wagga Wagga MP Daryl Maguire has admitted that he financially benefited through his parliamentary office from undisclosed involvement in wine, steel, cotton, milk powder, a pilot school, a Chinese

trade show, a car wash business and coal, gold and tin mines, has the Government sought an audit of his engagement with New South Wales trade offices in Shanghai, Guangzhou, Kuala Lumpur, Singapore and Jakarta?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:52:20**):** I thank the honourable member for his question, asked of me representing the Minister for Regional New South Wales, Industry and Trade. It is obviously a very detailed question containing many elements. I will take it on notice and come back to the honourable member with an answer.

GIDGET FOUNDATION AUSTRALIA

The Hon. TAYLOR MARTIN (12:52:45**):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on the opening of two Gidget Houses in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:53:13**):** I thank the honourable member for his question. Gidget Foundation Australia is a non-profit organisation that helps new and expectant parents to receive timely care through a range of programs. They include face-to-face services through its Gidget House network, the Start Talking telehealth program and emotional wellbeing and antenatal screening programs conducted through participating hospitals. Gidget House was founded following the tragic death of a young mother from Sydney nicknamed "Gidget". Depression and anxiety can affect women at any time in their life but there is an increased chance during pregnancy and the year following the birth of a baby, with around 13 per cent of women experiencing depression or anxiety during this period. Without early intervention, symptoms can worsen. Without adequate preventive treatment, maternal mental ill health can have cascading effects not only on the woman but also on her newborn, her partner and her family.

As the mental health Minister, I was pleased to open two new Gidget Houses in July that will provide services to new and expectant parents. On 7 July I was pleased to open Gidget House at Royal Far West in Manly with local member James Griffin and the Deputy Premier. On 21 July I was pleased to open Gidget House at the Tresillian in the Murrumbidgee Family Care Centre in Wagga Wagga with the Deputy Premier and the Hon. Wes Fang. Both new Gidget Houses offer telehealth and free face-to-face psychological counselling to pregnant women or new parents with perinatal mental concerns. Those services are covered by Medicare. For families with small children—especially those living regionally—issues such as isolation, distance and financial hardship can sometimes make getting help for mental health issues more difficult. I am pleased that the new centre in Wagga Wagga is collocated at the Tresillian Family Care Centre. Having specialist mental health support right next to the existing family wellbeing service means that getting the right help at the right time will be faster and easier for new parents.

Gidget Houses work closely with other local health services to ensure that families are referred to more support as needed. Gidget House Wagga Wagga joins its New South Wales regional sister services at Tresillian Family Care Centres in Dubbo, Coffs Harbour, Taree and Queanbeyan. Other Gidget House services are located in North Sydney, Manly at Royal Far West, Merrylands at Stockland, Randwick at Karitane, North Sydney at the Mater Hospital and St Leonards at North Shore Private Hospital. Since 2018 the Government has committed more than $5 million to the Gidget Foundation, including $1 million announced in June 2020 to support increased demand due to COVID-19. It is a wonderful organisation. Only today on Facebook I saw someone I know who has suffered a miscarriage—which I did not know—saying how much Gidget is helping her and what an important service it is. We should all be thanking Gidget House for the incredible work that they do. [*Time expired.*]

ANIMALS DISSECTION

The Hon. EMMA HURST (12:56:36**):** My question is directed to the Minister for Education and Early Childhood Learning. Will the Minister advise why animal dissection is still used as a teaching activity in New South Wales schools, when less costly and more humane alternatives such as interactive computer simulations and clay models are available?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:57:01**):** I thank the honourable member for her question. It is an important issue relating to how animals are used in schools in terms of those processes. I do have information on this subject but I do not happen to have it with me in the House. I can say that I remember that we dissected a rat when I was at school. Frogs were also popular. I am not in any way making light of a very serious topic but I know that that has happened in schools and that there are very strict processes in place in terms of procuring animals for those purposes, looking potentially at parts of animals that they can get from butchers and other suppliers. There is quite a bit of detailed information about it, which I will get for the honourable member as soon as possible. I apologise for not having it with me in the House.

POWERHOUSE PARRAMATTA

The Hon. PETER PRIMROSE (12:57:59**):** My question without notice is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given that the official Parramatta Powerhouse tender went live this week on 12 October, why is there no requirement to use products made in New South Wales? Why does it specify that the successful tenderer must have worked with "an international architect in the last five years", excluding most New South Wales businesses?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:58:53**):** I will start with the second half of the question first. I imagine that particular reference to experience working with an international architect relates to the fact that the architects are Moreau Kusunoki and Genton, one of whom is French and one of whom is Japanese. They were successful in winning the international design competition. In fact the designers of the Parramatta Powerhouse project are international designers. I imagine that was why Infrastructure NSW went in that direction. While I have not been briefed on that specific requirement in the specification, it is best for me to deal with that part of the question on notice so that I can provide a proper response from Infrastructure NSW, which is the organisation that is delivering the project and that will oversee the tender process. In terms of the requirements for the use of particular materials, I do not set procurement policy in the State. My colleague the Minister for Finance and Small Business oversees procurement.

The Hon. Penny Sharpe: Hospital pass to the Hon. Damien Tudehope.

The Hon. DON HARWIN: I will not be giving, as one of the interjections suggest, a hospital pass. I will ask Infrastructure NSW in its response to the question from the Hon. Peter Primrose to make sure that those particular aspects are covered. I note that this quite spectacular design has particular technical specifications that will not necessarily be easy to source domestically. Nevertheless, Infrastructure NSW will have access to all of those details, so it is best to answer the question on notice.

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

RIVERINA CONSERVATORIUM OF MUSIC

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (13:02:02**):** Earlier in question time I was asked questions by the Hon. Courtney Houssos and the Hon. Mark Buttigieg about funding for the Riverina Conservatorium of Music. I said that I would have an answer by the end of question time and I am pleased to tell the honourable members that I have. I am advised that the funding in question for the Riverina Conservatorium of Music was provided through the Regional Growth Fund.

FORESTRY CORPORATION

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:02:25**):** Earlier in question time I was asked a question by Mr Justin Field in relation to activity in the South Brooman State Forest and whether or not I had been notified as a shareholder Minister. In relation to activity in that State forest, Treasury has said, as the other shareholder Minister, that it is not aware of the specific issue that has been raised. I obtained advice from Treasury in relation to my responsibilities as a shareholder Minister. I say to the member that, on the basis that Treasury has not been advised, I certainly have not been advised in my capacity as a shareholder Minister in relation to any action by the Environmental Protection Agency over that particular site.

Supplementary Questions for Written Answers

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

The Hon. WALT SECORD (13:03:28**):** My supplementary question for written answer is directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Will the Minister provide a full list and details of all meetings that took place between the Minister, his office and Mr Daryl Maguire in 2017 and 2018, including drop-ins?

THE HON. GLADYS BEREJIKLIAN

The Hon. ROD ROBERTS (13:04:32**):** My supplementary question for written answer is directed to the Hon. Don Harwin as Leader of the Government in the Legislative Council. Given the critical importance of national security, as the Minister has told the House, and given the Minister promised yesterday and today to answer the questions that I asked regarding Premier Gladys Berejiklian and Chinese political interference, will those answers be provided in writing tomorrow as per the standing orders?

FORESTRY CORPORATION

Mr JUSTIN FIELD (13:05:03**):** My supplementary question for written answer is directed to the Minister for Finance and Small Business in his role as shareholder Minister of Forestry Corporation. Given that the Department of Regional NSW specifically warned in a letter to the Environment Protection Agency on 7 September that the use of site-specific conditions is not providing "sufficient harvesting sites to meet industry requirements" and that "the restricted timber supply means significant impacts on the hardwood industry are now imminent", will the Minister confirm if those issues have been raised with him formally as shareholder Minister? If not, is it the Minister's expectation that those concerns should have been relayed to him as the shareholder Minister given the potential impact on the financial position of Forestry Corporation and its ability to meet its contractual obligations to customers and to deliver a dividend to the Government?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. WALT SECORD: I move:

That the House take note of answers given to questions this day.

RIVERINA CONSERVATORIUM OF MUSIC

The Hon. WALT SECORD (13:06:04**):** As shadow arts Minister I take note of answers given by the Leader of the Government and the education Minister in relation to the disgraced Wagga Wagga MP Daryl Maguire and the decision by the Berejiklian Government to provide $30 million towards the Riverina Conservatorium of Music, which is an extraordinary single allocation. To provide context, there are 18 conservatoriums of music around New South Wales. Those organisations provide musical education, assistance, instruction and performance space to young people who wish to perform in New South Wales. They operate on a shoestring budget and they struggle to stay open from week to week.

However, the Government gave $30 million to the Riverina Conservatorium of Music. That is more than all of the funds that it provided to the 18 other struggling regional conservatoriums of music in the State. In fact, it was raining dollars. Yesterday the arts Minister said that he probably met with Daryl Maguire about the project. Today he said that there was a peripheral meeting. So now he is walking away. We know that the Minister met with Daryl Maguire about the funding. At first the Minister said that it was not in his portfolio, then he realised that that was misleading and he said that he did have involvement but that the funding came from the portfolio of the Hon. Sarah Mitchell.

Today the education Minister confirmed that the conservatorium funding did not come from either the education or arts departments. Now we have found out that it was funded by the Regional Growth Fund. I will provide a chronology to give some context. Disgraced Daryl Maguire said at ICAC that his relationship with the Premier began in 2015 or 2016. In January 2017 the conservatorium in Wagga Wagga made an unsolicited proposal to Daryl Maguire. On 10 February 2017 the Premier dropped into Wagga Wagga, where she was taken on a tour of the regional conservatorium in Wagga Wagga by Daryl Maguire. In May 2018 local conservatorium members were overjoyed. They said that they believed they had secured funding for their conservatorium. In July 2018 ICAC opened an investigation into Daryl Maguire. Nothing happened for eight days after those revelations and the Premier was absolutely silent. [*Time expired*.]

THE HON. GLADYS BEREJIKLIAN

The Hon. MARK LATHAM (13:09:14**):** In this take-note debate I speak to outline my disappointment. Yesterday the Leader of the Government said that national security is a critically important issue for this House and for the New South Wales Government. My colleague the Hon. Rod Roberts asked very good questions about the obligations of the Premier and the Minister to take advice and, most importantly, in the case of the Premier to notify the security authorities of her relationship with Mr Daryl Maguire. Furthermore, at a press conference the Premier effectively gave a non-answer as to whether she had notified regarding her relationship with Mr Maguire.

It has been 2½ years since the Turnbull Government passed new foreign political interference laws in Australia. The Premier clearly knows about those laws, of her obligation to be effectively cautious and careful in dealings regarding political interference and to notify the authorities of any possible way she could be compromised. For the five or six years that she had been in a close personal relationship with Mr Maguire, who is surrounded by enormous amounts of Chinese money and business interests and at least four spies whose names have been listed in the House, Premier Berejiklian attended functions of the United Front group chaired by Huang Xiangmo, the Australian Council for the Promotion of Peaceful Reunification of China. Mr Maguire was there. I suppose it was a case of "Deirdre Chambers, what a coincidence!" Mr Maguire would turn up and say, "What a coincidence! Gladys Berejiklian is here", and on it went.

The Premier, having been to those events with Huang Xiangmo, whom following his identification by Sam Dastyari and others she would know to be a Chinese spy, she had an obligation to notify the authorities. That is clear. The Minister needs to inform the House of what was done. My suspicion is that nothing was done in this area. It again points to the recklessness of the Premier. It is a complete and utter failure of political judgement and recklessness to be in a relationship with someone who is surrounded by Chinese money and Chinese spies and to not pass on to authorities that alarm bells were ringing of a potential for compromise.

Knowing the very unfortunate and tragic extent of Chinese political interference in Australia, the Premier needs to answer the questions she dodged yesterday. The Minister, having undertaken to obtain an answer and given the importance of national security, should have been in this House today to inform us of the truth. If yet again the Premier did nothing, not only failing to report the wrongdoing of Mr Maguire but also failing to report her own obligations of potential vulnerability to Chinese political interference, she stands doubly condemned, which is doubly the reason she should resign.

RURAL WOMEN

The Hon. LOU AMATO (13:12:18**):** I take note of the answer given by the Minister for Mental Health, Regional Youth and Women regarding International Day of Rural Women. I was very pleased to hear from the Minister that the first of eight free live virtual BEtreat re-set sessions for rural women will be presented on this important day when we acknowledge the contribution women make to agriculture, business and community life in our rural and regional areas. I congratulate the Minister who, together with the agriculture Minister Adam Marshall, announced today the 2020 Hidden Treasures Honour Roll, which recognises the outstanding contributions that regional women volunteers make to their communities. I also commend the Minister for investing in a series of sessions designed to increase work opportunities for women living in rural New South Wales. Women in rural areas face unique challenges. I admire these women for their commitment to supporting each other and those around them, especially in what has been an indescribably tough year. I hope all members will join me in acknowledging all rural women for their generosity and selflessness and the work they do every day to help our communities recover and thrive.

RIVERINA CONSERVATORIUM OF MUSIC

The Hon. COURTNEY HOUSSOS (13:13:53**):** I take note of answers given to questions today. I begin by acknowledging the incredibly important role of regional conservatoriums across New South Wales. I pay tribute to the dedicated volunteers. In particular, I give a shout-out to my former music teacher, former Great Lakes councillor Leigh Vaughan, who works tirelessly, like so many volunteers around the State, often on the smell of an oily rag, to ensure that regional kids have the opportunity to access classical music training. I also pay tribute to the Northern Rivers conservatorium and the fantastic local MP Janelle Saffin for the work done there to ensure regional kids have these opportunities. These things do not happen without dedicated volunteers, who work hard and tirelessly because they believe in what they are doing.

The amount of money provided to the 18 conservatoriums across regional New South Wales is dwarfed by the single grant of $30 million that was provided to the disgraced member for Wagga Wagga for his local conservatorium, which we learnt today was not provided through the Department of Education's program or the Regional Cultural Fund. We learnt at the end of question time that it came from the Regional Growth Fund. We want to ask the arts Minister and Leader of the Government in this place how an unsolicited proposal outside of all normal funding sources got the inside run? What is going on and what meetings occurred? The time line of the announcement raises serious questions about when the Leader of the Government, the Premier and the disgraced member for Wagga Wagga were having meetings about this issue.

The volunteers who work tirelessly across New South Wales in the regional conservatoriums must be scratching their heads today and asking, "What is going on? How can the disgraced member for Wagga Wagga get $30 million outside of all the normal funding channels to fund a pet project in his local electorate at the same time that ICAC is investigating him?" The announcement of the funding came weeks after he resigned in disgrace. In the week that he was the member for Wagga Wagga and the Premier was trying to get him to resign, were they meeting about this grant? These are legitimate questions that need to be answered. [*Time expired.*]

ANIMAL WELFARE

The Hon. EMMA HURST (13:16:59**):** I take note of the answer given in relation to the locking of dogs in hot cars. RSPCA NSW receives hundreds of complaints each year about dogs left in hot cars. It might take five minutes for someone to get groceries and three minutes to queue and pay but it takes only six minutes for a dog to die in a hot car. As the Minister noted in her answer, the RSPCA can sometimes prosecute if an animal suffers heat stroke or death as a result of being locked in a hot car but it cannot prosecute for the act of simply locking a

dog in a hot car in the first place. That is because it is not illegal in New South Wales to lock a dog in a hot car. It only becomes an offence if the dog suffers from heat stress. That is not good enough.

We need laws that stop people from taking this selfish risk in the first place, which jeopardises the lives of animals for the sake of convenience. We are allowing people to get away with the reckless behaviour of leaving animals in hot cars so long as they get lucky and the dog does not get heat stroke. It is difficult for the RSPCA to prove an animal has suffered after the event. In comparison, with drink-driving offences we have not just made it an offence to injure somebody when driving while drunk, we have made it an offence to drive while drunk in the first place. We need the same protection for dogs in hot cars. We have to stop reckless behaviour before it happens, not afterwards, as has been recognised by the Victorian Government.

In December last year the Victorian Government introduced new regulations making it an offence to leave an animal in a hot car under certain circumstances. As usual, New South Wales is lagging behind when it comes to animal protection. The Minister referred yet again to the pathetic penalties in New South Wales, with a maximum fine of $5,500 for an act of animal cruelty. I reiterate that these are the lowest penalties across all States and Territories throughout Australia. In Victoria the maximum penalty is nearly $40,000 and it is nearly $50,000 in Western Australia. The Minister again referred to the animal welfare action plan, which will take several years to be fully implemented. We do not need a four-year review; we need changes to animal protection now.

COVID-19 AND SYDNEY OPERA HOUSE

The Hon. TAYLOR MARTIN (13:19:30**):** I take note of the answer given by the Hon. Don Harwin, the Leader of the Government, and Minister for the Arts, earlier in question time to my question about the reopening of the Sydney Opera House. After shutting its doors in March this year due to the COVID-19 pandemic, it is a fantastic endorsement of the Government's and the Premier's response to the pandemic that the Sydney Opera House has announced its new schedule of live performances and that it will be reopening to the public soon. The Opera House is one of the most recognisable symbols of Australia and of our harbour city in Sydney. The reopening of the Opera House to live performances is a symbol of New South Wales reopening since the start of the pandemic earlier this year. The result has been achieved, thanks to the careful management of restrictions by this Government. We can now see the beginning of a period of relaxed restrictions and the rewards of the hard work put in by each and every resident of the State of New South Wales.

RIVERINA CONSERVATORIUM OF MUSIC

The Hon. ROSE JACKSON (13:20:47**):** I take note of answers given today by the Hon. Don Harwin in relation to the grant received by the Riverina Conservatorium of Music. The response suggested that it is a worthwhile project and that as it is a worthwhile project no questions can be asked about the process in which the funding for that worthwhile project was allocated. This is classic consequentialism from this Government: The ends justify the means; it does not matter how you get to where you are going as long as you get there. This goes to the very heart of what is rotten in the New South Wales Government because it does matter how you get there, the process does matter, the ends do not justify the means.

It is not a question about whether or not the project is worthwhile. These are questions about whether the very important fair and democratic processes of open government have been followed. We know that the Premier has no problem changing guidelines within her office at the last minute for multimillion-dollar grants programs. We know that particular projects are invited to make applications and we know that those applications are received after the date for the close of applications. Other organisations put an incredible amount of effort into submitting proper grant applications. My colleague the Hon. Courtney Houssos spoke about some of the incredible people in regional New South Wales who work on these grant applications to be put to government, not knowing that certain projects favoured by certain people get an inside track. That actually matters.

We learnt today that this particular project was funded out of the Regional Growth Fund. Over 2,100 projects are listed on the $1.7 billion Regional Growth Fund website. Interestingly, this is not one of them. There are serious questions to be asked. There are two conservatorium of music projects listed: Lismore and two grand pianos for New England. They were funded out of the Regional Cultural Fund, which is part of the Regional Growth Fund, and are listed on the website. This project is not listed. There are serious questions to be answered.

In response to a question about what the Minister has done to assure himself that there are no other members receiving secret commissions or money on the side, he said he does not know of any. That was not the question. The question was that since these revelations have come out of ICAC has the Minister done anything about it? Has the Minister asked or checked? One would think he would. We on this side of the House have been burnt by a whatever-it-takes attitude and we have learnt our lesson. We are proactive and we have a zero tolerance to meeting with disgraced members after they have been forced to resign from Parliament over projects.

FORESTRY CORPORATION

Mr JUSTIN FIELD (13:23:53**):** I take note of the answers to my questions today, in particular to the Minister for Finance and Small Business as a shareholding Minister of the Forestry Corporation. My questions related to the degree to which the shareholding Ministers of the Forestry Corporation are being kept in the loop about the financial consequences of the bushfires on the delivery of wood to wood supply contract holders in New South Wales. I started asking questions about that in March in budget estimates while some of the fires were still burning. It became clear that there was a push very quickly by the Forestry Corporation to get back into the forest to try to keep up wood supply to contract holders. I can understand that push but the reality is that the fires made that near impossible and, as I understand it, force majeure was triggered in all wood supply contracts in New South Wales.

Since that time we have seen a constant tension between the Environment Protection Authority [EPA], which is charged with upholding the laws of this State in regard to the environmental consequences of logging in our public native forests, and the Forestry Corporation, which, despite the force majeure triggers in the contracts, is trying to deliver as much wood supply as it can. What has not happened yet, from what I can tell from the questions that I have asked, is a full assessment of the impact of the fires on wood supply and what that means for the delivery of the current wood supply contracts. Also, a number of those wood supply contracts are due to expire, some in this term of Government, and need to be renegotiated. How on earth can a renegotiation on wood supply contracts, which are having a devastating impact on our public native forests, be undertaken when we have no clarity about wood supply impacts and we have no clarity about how the rate of logging to meet those contracts will impact on the biodiversity values and the long-term recovery of our forests? That is a very important question.

The EPA is currently taking prosecutorial action against the Forestry Corporation for breaches of rules. Two stop work orders have been issued in the last few months and the Forestry Corporation had pulled out, until recently, from all South Coast forests because of, seemingly, its failure to comply with the rules set following the bushfire impacts. There are financial consequences for the Forestry Corporation. It was already a marginal business before the fires and it is now costing us money to destroy our public native forests for a grand total of 1,000 jobs. I do not take away from the importance of those jobs but that industry needs a transition package. Those forests are much more valuable standing. We have an opportunity to transition out of public native forests into private native forestry and plantations. If we do not do it now, more jobs will be lost because of the impacts of the fires and the inability of the Forestry Corporation to operate sustainably. I implore the Minister for Finance and Small Business and the Treasurer to look closely at the financial consequences of failing to deal with this transition now.

OUTDOOR DINING AND MUSIC PERFORMANCES

The Hon. SAM FARRAWAY (13:26:57**):** I take note of the answer given by the Minister for Finance and Small Business to my question on easing restrictions on outdoor dining and outdoor music performances while assisting businesses and their customers to stay COVID-19 safe. It was very pleasing to learn that over 90,000 businesses have registered a COVID-19 Safety Plan with Service NSW. I understand from the answer given by the Minister that the COVID-19 Safety Plan templates in key industries, such as restaurants and cafes, are available in Arabic, simplified Chinese, Korean, Thai and Vietnamese and that the information and awareness campaign mentioned by the Minister in his answer today has included communications in the top languages spoken as a second language in New South Wales, including Mandarin, Cantonese, Vietnamese, Arabic, Korean, Greek, Spanish, Thai, and Turkish.

The on-the-ground work by SafeWork NSW in visiting nearly 20,000 businesses and providing advice on improving COVID-19 safety is also essential. Of the $110 million given to small businesses in the $3,000 COVID-19 Small Business Recovery Grants, some 51 per cent, or $56 million, has been used for COVID-19 safety measures, including cleaning products and services, staff training in COVID-19 Safety Plans and fit-outs and equipment to comply with COVID-19 Safety Plans. The boost to the hospitality and entertainment sectors from the easing of rules around outdoor dining and outdoor music performances is most welcome as we head into summer. I congratulate the Minister on the good work done in that space.

DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA

The Hon. MARK BUTTIGIEG (13:28:52**):** The Opposition asked a series of questions today—I tallied seven in all—that went to the stench surrounding the disgraced former MP Daryl Maguire, his continuing associations with this Government and the probity surrounding the issues. Questions about alleged meetings were batted away. Questions about whether or not the discussions between the Leader of the Government and Mr Maguire took place after the Leader of the Government well knew what had happened to Mr Maguire were batted away with the answer, "I cannot recall. I will take it on notice." The Government's justifications of how

that expenditure was allocated, whether other parliamentary offices are being used to profit in the same way that Mr Maguire has admitted to ICAC and all those questions were batted away and taken on notice.

Interestingly and revealingly, the only straight answer we got was when the Leader of the Government was asked whether he still stands by the Premier given that former Director of Public Prosecutions Nicholas Cowdery called on her to stand aside. His answer was, "Absolutely." Otherwise it was a litany of "Don't know. Haven't done the work." With this Government's resources and the scandals we have seen in ICAC in recent days, one would think the Government would be moving heaven and earth to say that there is nothing to see here because it has done the right thing. We have got the documentation of the meeting. We have the justification of how the funding is allocated. There is nothing wrong with the meetings that took place because they are all documented and aboveboard.

Instead what we get is, "We'll look into it. We'll get back to you. We'll take it on notice." Is it any wonder that the Opposition continues to pursue the stench surrounding this bloke, those still in power in this Government and their relationships with him and the Premier? We will not let up until we get the answers because the obvious implication from the shutdown coming from the government side of the Chamber is that there is something wrong. That is why they are not answering the questions. If there were evidence showing that everything was aboveboard, we would have heard about it yesterday and we would have heard about it today. Instead we get this obfuscation and batting away. It is not good enough. I say to the Government: If it thinks we will let it off the hook, think again.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. BEN FRANKLIN (13:32:07**):** I reflect on just one answer because it was the most important question and answer today: It was about COVID-19. In March this year not only New South Wales or Australia but also the world got a shock the like of which most of us have not seen in our lifetimes. We saw what happened in New South Wales when Australia's gross domestic product fell by 7 per cent in the June quarter. In New South Wales, as the shadow Treasurer will know, our State final demand declined by 8.6 per cent. It shook the foundations of our economy. So the Government, as the finance Minister rightly alluded to in his answer, needed to do something and it has focused on that ever since. The Government has focused on what it must do to reopen economy in a COVID-safe way. That is why when the Minister says that almost 100,000 businesses have registered with Service NSW to become COVID-safe, that is important.

That is why when 20,000 businesses are visited by SafeWork NSW officers on the ground to improve COVID-19 safety, that is important. That is why the $110 million given to small businesses, half of which has been used for COVID-19 safety measures, that is important. The Government has taken those actions and continues to take them to ensure it can respond to the situation as it develops. I am proud of the easing of restrictions, which the Minister referred to in his answer. From this Friday one patron per two square metres will be allowed at hospitality venues rather than one patron per four square metres. That measure will make a critical difference to the hospitality venues in the State, which are feeling enormous pressure, because it will, by its definition, double the patronage at those venues. Of course they can do that only if they have a COVID-safe plan and are signing people in with a QR code. The Premier has made it clear that she wants to provide as many opportunities as possible for businesses and organisations to succeed but for that strategy to be successful, everyone needs to follow their COVID-19 Safety Plan.

It is not just the broader issue; the Government is looking at what must happen in specific areas. We have given $20 million to the City of Sydney to look at a range of initiatives that it needs to take, whether that is allowing more flexible outdoor dining, drinking and seating arrangements; considering entertainment stages across the CBD in Martin Place and so on; enhancing the promotion of cultural institutions and allowing them to stay open late; increasing promotion and advertising to attract people into the Sydney CBD and so forth. The Government is responding and actively focusing on what the situation is at the time. We are protecting people's health but we are preserving and supporting our economy as well. My final point is that now 500 people can attend outdoor seated music performances and rehearsals, which is utterly critical for the cultural sector. I am delighted to have been able to work with the head of the regional conservatoria throughout New South Wales to assist in delivering it.

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

Motion agreed to.

Deferred Answers

REGIONAL DIGITAL CONNECTIVITY PACKAGE

In reply to **the Hon. PENNY SHARPE** (24 September 2020).

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

I am advised that the Department of Regional NSW is currently assessing the changed market conditions and the scope of benefits provided by NBN's expanded coverage in selected regional locations. The department continues to work closely with the Commonwealth Government and industry stakeholders to ensure vital infrastructure complements past and future investment, to deliver a long-term solution that will help our regions grow now, but also meet future needs.

DEPARTMENT OF EDUCATION

In reply to **the Hon. MARK LATHAM** (24 September 2020).

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

The Department of Education has been through a detailed redesign of its executive structure, in which all impacted Public Sector Senior Executive [PSSE] roles were deleted and new role descriptions were developed. This was to help the department better deliver and accelerate its goals of school improvement and skills reform.

Having conducted a structured placement process, including an independent assessment process, the department has now finalised all eligible appointments.

Any PSSE staff who were not placed have had their employment terminated, consistent with the relevant provisions of the *Government Sector Employment Act 2013* and the terms of their contracts of employment.

In accordance with relevant legislation, information about individual circumstances cannot be disclosed.

Literacy and Numeracy remain a high priority for the department and the leadership of the responsible teams will continue to implement evidence based reforms to improve student outcomes in this area.

COVID-19 AND HOSPITALS

In reply to **Reverend the Hon. FRED NILE** (24 September 2020).

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

All patients presenting to a New South Wales emergency department are assessed and prioritised based on the clinical urgency of the individual.

Throughout the COVID-19 pandemic, the assessment and management of patients in emergency departments takes into consideration the risks of possible COVID-19 transmission. Patients who present with respiratory symptoms may be moved from the emergency department waiting area for the protection of others.

It would be inappropriate to comment on the circumstances of an individual patient.

AVIAN INFLUENZA

In reply to **the Hon. MARK PEARSON** (24 September 2020).

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

Avian Influenza is a nationally notifiable disease and in New South Wales anyone suspecting H7N7 avian influenza in their animals has a duty to report this to the Government immediately.

Post the New South Wales 2013 avian influenza outbreak, the NSW Department of Primary Industries supported research that led to the development of evidence-based biosecurity practices to prevent avian influenza outbreaks in commercial poultry.

The New South Wales Government funds testing of birds for avian influenza.

Wild bird surveillance for avian influenza is undertaken in New South Wales as part of the national avian influenza wild bird surveillance program and during investigation of wild bird mortalities. There is an ever-present risk of a spill-over event of avian influenza from wild birds to commercial poultry in New South Wales, which is why the NSW Department of Primary Industries is always ready for an outbreak.

Preventative action has included an intensive communication program to producers, veterinarians and the general public, testing of policies and procedures, increased wild bird surveillance and set up of emergency systems as well as the establishment of an incident management team.

Since the outbreak of H7N7 avian influenza in Victoria this year, NSW Department of Primary Industries and Local Land Services has undertaken additional activities to enhance existing preparedness. This includes:

- Direct communication to all registered poultry owners highlighting ways to reduce the chance of commercial birds becoming infected, symptoms to watch for in birds and how to report any suspect infections.
- Direct communication with all registered veterinarians regarding symptoms to look for in birds, how to report any suspect cases and how to sample suspect birds.
- A social media campaign raising awareness of the situation.

The NSW Department of Primary Industries has policies and procedures developed to rapidly and effectively contain and eradicate an outbreak of highly pathogenic avian influenza in commercial poultry, including the H7N7 strain.

YOUNG COUNTRY UNIVERSITIES CENTRE

In reply to **the Hon. MICK VEITCH** (24 September 2020).

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

I refer you to my previous answer to a Question Without Notice on this matter, submitted on 17 September 2020.

Written Answers to Supplementary Questions

MENTAL HEALTH SERVICES

In reply to **the Hon. TARA MORIARTY** (14 October 2020).

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

Yes. Funding provided through the RAM can be utilised to provide mental health support for students. The equity loadings enable schools to support the learning and wellbeing needs of students. Principals can distribute their RAM funding according to the needs of their student cohort.

Documents

LOWER HUNTER WATER PLAN

Further Return to Order

The CLERK: According to resolution of the House of 26 August 2020, I table additional documents relating to a further order for papers regarding the Lower Hunter Water Plan, received this day from the General Counsel at 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.

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

Announcements

PHOTOGRAPH OF LEGISLATIVE COUNCIL

The PRESIDENT (15:01:39**):** I remind honourable members that there is a photographer in the press gallery taking still photographs.

THE HON. SHAOQUETT MOSELMANE

The PRESIDENT (15:01:54**):** I received a letter from the Hon. Shaoquett Moselmane, MLC, this afternoon. I believe it is appropriate that I should read the letter to the House:

Dear Mr President,

RE: PROCEEDINGS OF THE PRIVILEGE COMMITTEE INTO THE EXECUTION OF A SEARCH WARRANT ON MY PARLIAMENTARY OFFICES ON 26 JUNE 2020

I am writing to you to indicate that I intend to return to sit in the House on and from 22 October 2020.

You will recall that I wrote to you earlier on 4 July 2020, indicating that I intended, of my own volition, to stand aside from attending and sitting in the House as there was an investigation under way concerning the execution of a search warrant by the Australian Federal Police on my home and my Parliamentary office.

The search warrants the subject of the investigation being undertaken by the Australian Federal Police at that particular time have now completed to the point where I had raised matters of parliamentary privilege which I felt duty bound, as a Member to both invoke and seek to be upheld.

I refer to the Report of the Privileges Committee ordered to be printed 13 October 2020 – Report 80 – 14 October 2020 for its full force and effect and its ultimate determination of the privilege issues that I invoked and sought to uphold as a Sitting Member of this Honourable House.

In my assessment of the situation, I am of the opinion that the investigation concerning the execution of the search warrants has come to an end and accordingly the investigation, having been concluded and the Privileges Committee having reported to this Honourable House, allows me to return.

> I wish to place on record that I have not intended to sit in this Honourable House while the investigation was under way and more importantly while I had invoked claims for privilege.
>
> Since the investigation and its conclusion, three things have changed and they are as follows:
>
> 1. The Australian Federal Police have acknowledged that I am not the target of their investigation and I rely on the report in the print media in The Australian, and in the 9Nine News media, both dated 10 September 2020, where they said that I am not part of the foreign interference investigation. I further rely upon comments made to my counsel by Federal Agent Thorncraft, on the morning of the execution of the warrant on my residence, 26 June 2020, that I was not a suspect and equally, to me, in the course of that day.
>
> 2. Mr Zhang is no longer in my employment and he has voluntarily resigned his position, effective 16 September 2020.
>
> 3. I have co-operated completely with the Privileges Committee Inquiry and I understand that documents are to be retained and other documents are to be returned, especially those in respect of which successful claims for privilege being invoked have been upheld. I further note that Mr Zhang has instituted High Court proceedings which I believe have been brought to the notice of the Privileges Committee and those documents will be retained by the Australian Federal Police but are obviously subject to the litigation between Mr Zhang and the Australian Federal Police and the Commonwealth of Australia, in respect of which I have no involvement.
>
> I intend to resume, as I have indicated, my position and entitlement to sit in the House on and from 22 October 2020.
>
> In concluding, I do wish to acknowledge and to thank the Clerk and Deputy Clerk of this House and their staff for the assistance rendered to me as a Member of this Honourable House, in terms of enabling me to co-operate and facilitate the work of the Privileges Committee.
>
> I trust that by giving you this letter I am providing you with sufficient notice of my intention to return and I and my staff will resume in attendance in the House on and from 22 October 2020.

I have provided the letter to the Clerk. Copies may be provided to members.

Personal Explanation

COVID-19

Mr DAVID SHOEBRIDGE (15:06:35**):** By leave: I wish to make a personal explanation. I am making this explanation because I have had a negative COVID test, so I thought I would start with that.

The PRESIDENT: That is a good starting point.

Mr DAVID SHOEBRIDGE: This would not be the appropriate spot to advise of a positive result. I have reflected over the last couple of hours of unscheduled downtime. The sitting weeks are hectic; members have a very short amount of sleep. We are all a bit sleep-deprived. I woke up this morning and assumed that the frog in my throat was because I had no sleep for a couple of nights in a row. That may well be the explanation—I have had a thorough test and there is no other external explanation. When we come into the Chamber it is all very rushed in the morning. In light of the pandemic, if I look back on rushing in here with a small frog in my throat, I should not have come in.

I indicate that as a crossbench member there is no arrangement for pairing, so there is anxiety in your head which makes you not want to confront the fact that you should get tested and take some time out. It makes it very hard. I urge the Opposition and the Government to formalise an agreement as best they can that during the pandemic in circumstances where a crossbench member has to go to get tested, there is a guaranteed informal pair. If the party is on one side, the major party on the other side could acknowledge that and have the pair. If that was guaranteed in advance without having to negotiate, it would make things less stressful. Mark Webb and the Department of Parliamentary Services team were extremely efficient. I literally walked from here to my car and called Mark Webb. He arranged for immediate testing at St Vincent's Hospital.

The hospital was extraordinary. Someone came down and met me. I went up and got tested, I was put in the fast lane and the results were back in less than three hours. I self-isolated at home while waiting for them. The nursing staff was extremely efficient and thorough. I say to the House that I wish there had been the time, space and a clear set of protocols in place. I would have made a better decision at the beginning rather than coming and speaking with a frog in my throat. I think we should look to ourselves and make sure those protocols are in place. Members are very clearly advised about the fact that it is a quick test. I feared it would take all day and I was not sure what would happen with pairing. I commend St Vincent's Hospital, Mark Webb and his team for the assistance they provided.

The PRESIDENT: I remind members that Mark Webb and the Department of Parliamentary Services have undertaken extensive work with St Vincent's Hospital to enable that procedure. I am pleased to see that that work has paid off and that the member's test result was negative.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: PRODUCTION OF DOCUMENTS

The Hon. JOHN GRAHAM (15:09:51**):** The Leader of the Government, as a representative of the Government in this House, failed to table documents in accordance with orders of the House dated 3 June 2020, 16 September 2020 and 24 September 2020 relating to the tied grants round of the Stronger Communities Fund. Accordingly, I move:

> That standing and sessional orders be suspended to allow the moving of a motion forthwith adjudging the Minister guilty of a contempt of the House for failure to comply with the orders of the House.

The Hon. Damien Tudehope: Point of order: This motion seeks to hold the Leader of the Government in contempt for failing to produce documents in accordance with an order of the House in circumstances where it has been confirmed to the House that all documents held by the Executive have been produced. The contingency motion that is relied upon as the trigger for this motion states that such a motion is "contingent on any Minister failing to table documents". The fact is that I have told the House that no further documents exist. On 24 September 2020 this House debated a censure motion against the Leader of the Government in relation to the same subject matter. During debate on that motion I said:

> I have listened to all the contributions from members. A lot of them go to the outrage that there are no documents that Opposition members argue ought to be in existence and ought be produced. The Government says, and I categorically say it now, all the documents that the Government has to produce—that is what I am instructed—pursuant to the standing order have been produced. That is the substance of the censure motion.

It is now the subject of the proposed contempt motion. I said further:

> If there are no more documents to produce, and if the Government has complied, then the censure motion should fall away.

The contingency relied upon by the Opposition to bring its contempt motion falls away too. It simply does not exist because the requisite contingency is "failing to table documents". This is extraordinary. In debate on the censure motion I said further:

> I spoke to my friend the Hon. John Graham—

and I can repeat it now—

> before the take-note debate. I produced a document that he sought, which amounted to the guidelines. All other documents relating to the awarding of the grants have been produced.

I will not read out the next section. However, it is important to repeat the following part of my contribution to the censure motion debate. I said:

> To all the members who are not in the Chamber—

and I make the same observation now—

> but who should be here before a decision is made, I say that this is a serious issue. I hope members are cognisant of the fact that whether the Leader of the Government should be censured—

now held in contempt—

> for not producing a document that Opposition members think should be produced is a serious issue. That is a political outcome; it is not a censure motion.

I repeat those observations. The Opposition is seeking on a contempt motion, or rather the trigger of the contingency motion about which I am arguing now, to rely on an assertion that documents exist which the Government has not produced under the order for papers. Frankly, that amounts to calling me a liar. That is the effect of the Opposition's motion: It is saying that the Government is not telling the truth in relation to this issue. I understand that members opposite might think that there is a process whereby the documents should exist or that there appears to be an unexplained gap in the documents. But that is another issue. In the absence of concrete evidence that a document exists which the Government has failed to produce, the contingency trigger for the contempt motion fails. The Government has asserted in this House that no documents exist. That should be accepted by the House as a statement of the circumstances that exist in relation to the order for papers made under Standing Order 52.

There is no noncompliance by the Leader of the Government. By seeking to hold him in contempt and, potentially, to suspend him from the Parliament in circumstances where there is no evidence that he has failed to comply with his obligations, the Opposition is simply attempting to use the contempt motion procedure as a sword to extract a political outcome. Earlier the Hon. Mark Latham spoke about the Hon. Shaoquett Moselmane. It is a very serious issue to exclude an elected member from the House. For that to occur, the House must be convinced of a serious abrogation of duty by a member. If the Hon. Mark Latham argues that the Hon. Shaoquett Moselmane

should be brought back because he has rights as an elected member of Parliament, then the same argument should apply to the use of a contempt motion against the Leader of the Government. The same argument must apply. Let us go through it.

The Hon. Anthony D'Adam: Point of order: The Minister is speaking on a point of order. He has not established the nature of his point of order and is drifting into an argument on the substantive motion. The Minister should be drawn back to his point of order and to limit his remarks to that.

The Hon. Adam Searle: To the point of order: The Leader of the House has not identified the standing order that the motion is said to infringe. He is making a case that may or may not be made out but when it is the Opposition's turn to speak, we will be making the point that this is not the appropriate way to proceed.

The Hon. Trevor Khan: To the point of order: The Hon. Adam Searle's observation is ill-conceived.

The PRESIDENT: Let us call it the second point of order.

The Hon. Trevor Khan: He said that the Minister must point to a standing order but he does not have to. It is a contingent notice and by its very nature requires the contingency to occur to trigger the motion. For the benefit of members, it is discussed on pages 280 to 281 in Lovelock and Evans. That is why the point of order has been taken. It is a matter that falls within the President's gift. The Minister is saying—and I repeat it—that in order for the motion to come before the House now, one has to be satisfied that the contingency has occurred. There is no material before the House that can justify a conclusion that the contingency—that is, the event triggering the motion to be brought before the House—has occurred. I simply say that this part of the exercise is a matter for the President alone. It is not a matter for the House, it is a matter for the Presiding Officer. I say that it cannot be satisfied and should be ruled out of order.

The PRESIDENT: The member is drifting to the first point of order.

The Hon. Trevor Khan: The President should rule that the contingency has not occurred and that the member is out of order.

The Hon. Mark Latham: To the point of order—

The PRESIDENT: I am only dealing with the point of order taken by the Hon. Anthony D'Adam.

The Hon. Mark Latham: The main verbiage in the point of order was to misrepresent or speculate on what my views might be on the matter, given what I said about the Hon. Shaoquett Moselmane earlier in the day. It is not a point of order to be misrepresenting what I think about it. I have an argument about why I think the Leader of the Government is in contempt, which I will be putting. It is not a point of order and I bitterly resent the way in which my views have been misrepresented. It was a debating speech and should be ruled out of order.

The PRESIDENT: I will make this clear again. I will give all members an opportunity to speak in relation to the point of order taken by the Minister. I am not dealing with that now. Right now the only thing I am dealing with is what I will call the second point of order, taken by the Hon. Anthony D'Adam. Do any members wish to speak to that point of order? The Minister has not yet finished taking his first point of order. In relation to the point of order taken by the Hon. Anthony D'Adam, there is no point of order. I will not repeat the argument put forward by the Hon. Trevor Khan, who also drifted into the first point of order. The reality is, this is a contingent notice and the Leader of the House has taken a point of order that, in effect, says that the contingent notice should not be dealt with and sets out the reasons why. There is no point of order and I now go back to the first and only point of order that we are dealing with. After the Leader of the House has finished taking his point of order, other members will have an opportunity to make their contributions. The Leader of the House has the call.

The Hon. Damien Tudehope: I confirm that the remarks that I am making are in relation to whether the trigger for the contingency has been met, which is the noncompliance or non-production of documents. As the Hon. Trevor Khan rightly indicated, the decision about whether that trigger has in fact been met, giving rise to the circumstances that the motion before the House is in order is a matter for the President. To give some context, the motion seeking to hold the Leader of the Government in contempt for failing to provide documents relies upon the subject of the contingency. On 16 September 2020 an order for the production of documents was made to the following effect:

(a) the signed written brief approving successful applications which received funding in the tied grant round of the Stronger Country Communities Fund;

(b) the signed written brief approving the guidelines for the tied grant round of the Stronger Country Communities Fund; and

(c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

On 18 September 2020 the Department of Premier and Cabinet provided a certification letter from the Secretary of the Department of Planning, Industry and Environment, stating:

> I confirm that all documents legally required to be provided to and falling within the scope of the order were provided to the House in response to the original order for Papers.

On 23 September 2020 the Department of Premier and Cabinet [DPC] was asked to provide a further explanation by the Clerk of the Parliaments. The department provided a further explanation from the Department of Planning, Industry and Environment that all documents recording the Minister's approval of the grants had been provided. The explanation was as follows:

> … all documents held by the office of Local Government and the Department of Planning, Industry and Environment, including the written and signed briefs approving the expenditure funds, have been provided to the House. Each briefing note in relation to expenditure attaches an email confirming the ministerial approval relevant to the payment of that grant.

The signed written brief approving the guidelines for the tied grant round of the Stronger Communities Fund references previous decisions of Cabinet—that was an argument that was made. However, they were provided voluntarily to the House on 23 September 2020. It was also confirmed on 23 September 2020 in the explanation from DPC to the Clerk that DPC did not write to all of the Ministers named in the order asking for their certifications of any documents held—the usual practice of the House when making a further order to request documents from any specific agency or Minister that the House identifies as holding documents sought. Accordingly, DPC sought certification from the relevant agency, the Department of Planning, Industry and Environment [DPIE], which is known to hold the relevant documents. This was appropriate as Ministers' offices do not usually keep ministerial briefs as they are returned to the agency.

Further, the current Minister for Local Government was not the relevant decision-maker in relation to the funding grants concerned. The resolution of the House dated 24 September 2020 censured the Leader of the Government and called on him to produce documents under paragraph (2) (a) of the resolution by 10.00 a.m. on 3 October 2020. On 13 October 2020 General Counsel of the Department of Premier and Cabinet again wrote to the Clerk confirming that the Chief Legal Officer of the Department of Planning, Industry and Environment had written an email to the Department of Premier and Cabinet confirming that all documents referred to in paragraph (2) (a) of the resolution of 16 September 2020 that are held by the Office of Local Government and the Department of Planning, Industry and Environment, including the written and signed briefs approving the expenditure of funds, have been provided to the House. The email further explains:

> … [e]ach briefing note in relation to expenditure attaches an email confirming the ministerial approval relevant to the payment of that grant.

Both DPC and DPIE have now clearly explained to the House that all documents covered by the terms of the order have been provided to the House. So, I ask: How has the contingency—the failure to table documents—been triggered?

The Hon. Mark Latham: Point of order: That is the third time that we have had that argument. Clearly it is a filibuster to hold up the debate. We cannot have points of order that are tedious repetition going over the same ground. Surely the member should be called to bring his point to the attention of the House for the President's ruling.

The PRESIDENT: I do not believe the member is being repetitious. I believe he is setting out why this contingent motion cannot be dealt with. It is clear that this contingent motion is, in the Minister's words, a trigger to the next step of the contempt motion. I prefer to say that this contingent motion is step one and, if it gets up, step two would be the contempt motion. He would need to explain why the contingent motion cannot be dealt with. I do not uphold the point of order.

I will do a little bit more housekeeping. I propose to hear out the Leader of the House. I then intend to call on the Leader of the Opposition and then afford the Hon. Mark Latham an opportunity to speak. I believe most of what he argued did not relate to the point of order that I was dealing with, but relates to the point of order the Minister is dealing with now. If he wants to repeat his arguments, I will give him an opportunity. I intend to do the same with the Hon. Trevor Khan and then go to Mr David Shoebridge and whoever else puts a hand up. We are going to be dealing with this for a while.

The Hon. Damien Tudehope: At the risk of repeating myself, I say that, in the absence of further evidentiary material to found the contingency—the failure to produce a document—and unless there is additional evidence, this all amounts to, "We do not like your answer and we think that there are documents which should exist, must exist and which you should produce." If they do not exist, then that is clearly a political issue, but members cannot use this process of contempt to try to manufacture a document that does not exist. If we come to the conclusion that it does not exist, then the contingency has not been met and this motion must be ruled out of order.

The Hon. Adam Searle: To the point of order: I will keep my comment brief and restricted to the contingency issue. I make the point that members on this side of the House are not enterprising upon this slightly or frivolously. We take the non-production of the documents sought very seriously. The second thing is that, as much it may pain the honourable Leader of the House, this is not a court room. The mover of the motion does not bear any onus of proof. For reasons I will shortly develop, it is not a matter for you, Mr President, to rule in the way that the Leader of the House seeks you to do. The contingent motion is the failure to produce. Axiomatically, documents have not been produced. That is the doorway open right there.

To come to the substance of the matter, it is not for you as President or any other member to try to evaluate before any debate has occurred whether an explanation for that non-production of documents is such that the House, in the exercise of its discretion, would not issue the censure or the suspension of. As I said, this is not a court room. No burden of proof rests on the mover of the motion here. The substance of the motion falls clearly within the common law powers of the House. It has such powers as are reasonably necessary to secure the adherence to the resolutions of the House. The courts have found this. If there are good and cogent reasons that explain the non-production other than contempt of the motion of the House, that is a matter to be advanced in substantive debate. It is a matter to be evaluated and weighed by each member of the House.

The House will express its view based on the material in the substantive debate. It is simply not possible at this anterior and early stage. It puts the President in the most invidious position of trying to rule on whether there is sufficient material for the House to make its decision. These motions simply cannot work that way. There must be a substantive debate. The House must evaluate such material as the members have to hand. And, yes, whether there is an explanation will be a matter of some debate. It is a matter for the judgement of the House. It is not a matter for a technical ruling of the President.

The Hon. Trevor Khan: Oh yes, it is.

The Hon. Adam Searle: I note that you have had your say.

The PRESIDENT: Order!

The Hon. Adam Searle: In relation to these matters, the bits of evidence that you do have at hand is the fact that there is no return to order, so the contingent motion has been adhered to as there is a non-production. It does not require there to be any explanation that exculpates anybody or prevents the contingency from being moved, but even so the certification that the Leader of the House rests upon as his "proof" is only partial. It does not cover all the Ministers to whom the orders were directed and arguably does not cover the Department of Premier and Cabinet. It covers the Department of Planning, Industry and Environment [DPIE] only. When we look at the matters that we are debating, which have been ventilated in the Public Accountability Committee hearings and in this Chamber, their substance is that the Premier's office through emails from staff has directed that certain payments be issued. The issue is what lies behind that. What is the decision-making process? That is the substance of this matter.

Given that that is where it rests, it is really not a matter for DPIE. You would not expect DPIE to hold any of those sort of records, but you would expect the Premier's office, relevant Ministers and the Department of Premier and Cabinet to hold them. None of those certifications have been given. Even on the narrow, technical point raised by the Leader of the House, his argument must fail. But, as I have said, you do not need to get to that point, because it is an invidious position for the Presiding Officer of this place to have to determine whether or not some technical threshold, which in our submission does not exist, has been met. This is really a matter for the House and for the will of the House. The technical gateway, which is the failure to produce required by the contingency, has occurred. Before the House exercises that power—if it chooses to—that is obviously a matter for evaluation and debate, but it is not a matter for whether this contingent motion is in order. Those are our submissions.

The Hon. Mark Latham: To the point of order: I submit to you that the contingency has been met on the simple proposition that the call for papers has resulted in no papers being produced. The Government is playing this House as mugs, which in itself is a contempt. The proposition that the Government ran the $250 million grants program with no guidelines, no publicity, no application forms and no printed material which pointed to how the decisions were made is fantastic. It is basically putting to the House that this was done by magic or it sprinkled Photios dust around to make it all happen in the style of this particular Government or there was some other supernatural process that led to these decisions.

The Hon. Don Harwin: Sit him down. He is treating you with disrespect.

The Hon. Mark Latham: I will sit you down. I am speaking, if you do not mind. You are not running the House. You will be out of here very shortly.

The PRESIDENT: Order! First of all, it is not for the Leader of the Government to direct what I do, especially when he is sitting down and not doing so by taking a point of order. Secondly, I was not listening to the Leader of the Government, Mr Latham. I was not responding in any way, so it is not for you to go on the attack and say what you said. When I call, "Order!", I expect you to cease and desist, because it is disrespectful to the Chair. This is a very serious matter and I take it very seriously. I intend to allow any member who wishes to speak to do so but I remind all members that we are dealing with a point of order on whether the contingent motion should proceed if it is in order. I ask members speaking to be relevant to the point of order. The Hon. Mark Latham has the call.

The Hon. Mark Latham: I concluded my remarks at the point of rude interruption.

The PRESIDENT: As I indicated to Mr Latham, I believe some of the Hon. Trevor Khan's argument that was directed to the second point of order was more relevant to the first point of order.

The Hon. Trevor Khan: To the point of order: Indeed. I do not wish to repeat it all but I am like a moth to a flame when the Hon. Adam Searle stands up.

The Hon. Adam Searle: You can't resist me.

The Hon. Trevor Khan: No, I can't. What he misunderstands—and I do not mean that in a disrespectful way—is that this issue is dealt with by way of contingent notice so two steps have to be followed. It is not done by a standard notice of motion, which would have been available to the House. In a sense the substantive issue—to which, with the greatest respect, a lot of the Hon. Damien Tudehope's remarks were addressed—is clearly a matter for the House. When you get down to it, the guts of it is really whether there has been a non-compliance. In the context of a normal notice of motion, that would be a matter for the House to adjudge, rightly or wrongly. They would come to a conclusion.

But it is done by the mechanism of a contingent notice. That is why, Mr President, I say to you—as I said at the wrong time—that it falls to you. By using the mechanism of a contingent notice, it is not actually for the House to adjudge. It is for the President to determine whether the forms and the standing orders have been complied with in bringing the matter on now. Mr President, that is why at this stage you have to be satisfied when the point of order is taken, on the basis of all of the material that has been put to you, as to whether the contingency has been triggered. I agree with the Hon. Adam Searle that it puts you in an invidious position but that is why you get paid the big bucks.

The PRESIDENT: You were doing so well until then.

The Hon. Trevor Khan: We cannot get away from the simple proposition that because the form of a contingent notice has been used and the point of order has been taken, in a sense the President has to rule. It cannot be left to the second stage. Mr President, you are forced into an invidious position by the mechanism that is used. I do not in any way criticise members opposite but I think that they have created a mechanism that could have been avoided by them by using another mechanism to achieve it. It is too late; they have started this. If they wanted to go the other way, they could have and no point of order would have been available. But having done it, it falls to the President. I say that on the basis of the material, Mr President, you cannot be satisfied that it triggers the basis for the contingency.

Mr David Shoebridge: To the point of order: I largely endorse the arguments of the Leader of the Opposition. Ultimately whether or not documents were produced is a matter for the House. It is not for the President to prejudge that determination. The matter has been raised squarely and members of the House can consider the arguments raised by the honourable member in determining whether or not to agree to allow the contingency motion. For your purposes at the moment, Mr President, all that is required is for you to be satisfied that it is not a fanciful argument at best—that there is a credible argument. You do not have to make a ruling and I think that it would be entirely inappropriate for you to make a ruling. At the highest, you would have to accept that there is some credible argument to go to the House. If you are satisfied that there is a credible argument to go to the House—and I think Mr Searle articulated it and I assume Mr Graham will provide some further details—then ultimately it is not for you to make a final judgement.

Mr President, to the extent that the Hon. Trevor Khan refers you to pages 280 to 281 of Lovelock and Evans, it is really of no assistance because those contingency motions are unambiguous facts. A certain point in the procedure has happened and a bill has been brought on; those are uncontroversial facts. Therefore, there will almost certainly be no ruling on that point. Of course, the Clerk may be much better at finding if there is a ruling than I am. It is very unlikely that there is a ruling on that point. Mr President, if you are satisfied that there has to be some kind of satisfaction about the contingency event, then the test would not be "satisfied that the contingent event had occurred" but "satisfied that there is a credible argument that the contingent event has occurred". It is

then a matter for the House. That test would allow you to rule out fanciful, far-fetched or mischievous efforts to use contingency motion.

The PRESIDENT: Can you please repeat that last bit?

Mr David Shoebridge: I accept that there needs to be a threshold, some kind of credibility to the point that the contingent event has occurred.

The PRESIDENT: The bit about "satisfied that it occurred" as opposed to—

Mr David Shoebridge: Yes. Mr President, you would have to be satisfied that there is a credible argument that the event has occurred. It is not you ruling on the argument, which is ultimately a matter for the House. That would be a sufficient threshold to winnow out fanciful, mischievous or abusive attempts to use contingency motions and would not have you usurping the role of the House, whose ultimate judgement should be reflected in this issue.

The Hon. Trevor Khan: Further to the point of order: The argument that the Hon. David Shoebridge puts forward is interesting but does involve the concession that in essence it falls to you, Mr President. It then essentially becomes a question as to what the burden of proof is—or is it the standard of proof? I am not quite certain; I never actually understood that from 1976 classes.

The Hon. Adam Searle: I think the words are interchangeable.

The Hon. Trevor Khan: Yes. But in a sense, the recognition that it actually does involve you, Mr President, in making a decision complicates the matter further. The question then is: What is the trigger? That again reflects the complexity of the matter. It reflects that it is not simply a matter for the House; it is a matter of procedure that falls to you.

The Hon. JOHN GRAHAM: To the point of order: I thank the members for their observations. I will add a couple of things. Firstly, I regard the certification as crucial. The Leader of the House is in a very difficult position because the House on two occasions has made a request—not just of the Department of Planning, Industry and Environment but also of the Department of Premier and Cabinet [DPC]—of three Ministers who are the decision-makers in this round. We do not have certifications from them. We simply do not know whether they hold documents. In fact, the House has before it correspondence from DPC indicating that that question has not been asked. That is quite an extraordinary situation. The lack of certification is one of the reasons why there is a great risk of injury to the House if DPC is simply not responding, positively or negatively, to the request of the House. That is one of the questions that we seek to test in the debate but it is also one of the reasons why on this occasion the arguments of the Leader of the House should be diminished somewhat because of the position that DPC has put him in.

Secondly, the argument has been made that the documents have been produced. That is contested and we would like to test that in the debate. We have been told that the documents do not exist. That has happened to us multiple times in the House and we would like the chance to contest that point in debate. One of the reasons that the Opposition is struggling with the Government's argument that no documents exist is that no clear explanation has been provided as to how that could be the case. The Leader of the House has actually used quite limited language in putting that case and that is something that we want to test in the debate. Finally, the idea that it is up to the Opposition to provide proof that a document exists would really put a very heavy onus on the Opposition—or on any member of the House. Mr President, it is our view that all of those things together, were you to rule, would significantly diminish the powers of the House. That is our concern and that is why we like to proceed to debate.

The Hon. Anthony D'Adam: To the point of order: I will speak briefly to the points made by Mr David Shoebridge and the Hon. Trevor Khan to the question of evidentiary burden. It strikes me that the question that has been asked of the President is to rule on a question of fact. I do not understand how the President can properly discharge that responsibility in the absence of a full debate by members of the House. The facts are not clear. In those circumstances, how is the President to make a determination? My understanding of the processes that should be adopted by the President in making a determination is that where there is a choice between narrowing or expanding the powers of the House, the President should defer to a position that expands the powers of the House and not draw to himself the burden of making that determination.

Ultimately, the determination should be a question that is put to the House. It should not be reserved for the President to make a determination on a question of fact. On the question of the burden of proof or the burden of evidence, for want of a better expression, and the test that should be applied, I support the arguments made by Mr David Shoebridge. I reiterate that where there is doubt or a question that the President is not in a position to

make a firm judgement of fact, that decision should ultimately be given back to the House to properly canvass in a full debate.

The Hon. Damien Tudehope: Further to the point of order: At the risk of being criticised for repeating myself too much, the principal point is that the Opposition has elected to go down the path of using a contingency motion. That was Labor's choice and Opposition members have put the President in that position. They could have taken this another way by lodging a notice of motion and having a debate in the ordinary course of events. Labor could have potentially used time yesterday on exactly this issue but Opposition members chose not to go down the path of a notice of motion. Labor went down the path of the contingency motion. In my view and in my submission to the President, that triggers the problem the President is faced with because now the President is in the position of having to make a determination on the contingency. That is the kernel of the problem.

I submit that the President cannot be satisfied that the contingency has been met. I note the criticism from the Hon. Adam Searle that this is not a court. For the purposes of what is available to the President, there is certification that no documents exist. There is a submission from me in this House that no documents exist. So how can the President possibly be satisfied that the contingency has been met? That is the process that Opposition members have adopted to use. If Labor wanted the House to make a determination on the matter, it should have done so by way of substantive motion and had a debate in the ordinary course of events. For the purposes of the motion before the House, the President must be satisfied that the contingency has not been met. Labor members may wish to do it another way; that is purely a matter for them. They should not put the President in a position to determine whether documents exist which triggers this contingency.

The PRESIDENT (15:54:10**):** It is important to make clear that a motion to suspend a member and hold that member in contempt of the House is an extremely serious matter. The members who have contributed to debate have acknowledged that in their contributions. The power of the Legislative Council to find a member in contempt should be used sparingly and only for the purposes of safeguarding the dignity and honour of the House, or as reasonably necessary for the proper exercise of the functions of the House. Again, most members put that to me in one form or another. The power must be exercised to protect and to defend the House but not for punitive purposes. For that reason, motions of contempt are rare. Again, that was put to me by most members in one form or another.

I am faced with what I call the two-step process. The Leader of the House used the term "trigger" for a contempt motion. I will call it "step one". Step one is before me now as I rule on the point of order relating to the contingent motion. If I rule that the contingent motion fails, that is the end of the matter and we do not proceed to step two. If the contingent motion succeeds, then we move to step two. It would be fair to say that the Leader of the House would then raise the arguments that he has put in relation to step two, that is, the basis of no documents. I note, as was put to me by the Leader of the House, the words of former President Primrose, who said:

> It is for members to vouch for their words and for the House to accept the members' assurances.

The Leader of the Government has indicated through the Department of Premier and Cabinet that there are no further documents. The Leader of the House took a point of order that was based on the argument that there are no further documents. He went a step further by saying that the Opposition failed to provide any evidence that a document or documents exist and, therefore, given that a member's words should be accepted, there are no documents and on that basis the contingent motion cannot be upheld. The Opposition, supported by other members including Mr David Shoebridge and the Hon. Mark Latham, said that the Government has failed to produce documents and that opens the door for the contingent motion to proceed. Further, it has been said that it is not for the Chair but for the House to make that determination.

Following the many arguments that have been put to me, it is for me as Chair to make a determination whether or not to uphold the point of order. Although it was not argued, I will go one step further. If I do not uphold the point of order and we proceed with the contingent motion today and the Hon. John Graham moves the motion, of which I have been provided a copy, then I have no doubt that the Leader of the House will take another point of order in similar terms and with an extension. Again, I would have to rule on that.

I clearly say that it is for me to rule on this point of order. I have considered the arguments that have been put to me. I propose to make a ruling in relation to the point of order but because of the seriousness of the matter and the complexity of the arguments that have been put to me I will reserve my decision. I will give members an opportunity to speak, as I know Mr David Shoebridge wants to. I propose to consider the matter not only from the point of view of step one, as I assume arguments will be raised in relation to step two. The appropriate course of action is to reserve my decision until after formal business on Tuesday 20 October 2020. If members want to make further submissions to me, they can forward them to the Clerk by 10.00 a.m. Monday. Any member of the House can make a submission; it is not confined to the Leader of the House or the Hon. John Graham. It is open to all members to make a submission. I am prepared to hear further before I make my final decision.

The Hon. JOHN GRAHAM: Mr President, I am interested in your view on the question of certification. Are you able to indicate a view now, otherwise I am open as to where this decision is heading.

Reverend the Hon. Fred Nile: Mr President, I believe and encourage you that your interim solution is the only pathway for members.

The Hon. Penny Sharpe: Mr President, I agree with you. There is a shared view in the House that this is a very difficult matter that requires thought. However, I request that you make a ruling before next Tuesday and consider providing a ruling after the dinner break today.

The PRESIDENT: I indicate to the Hon. Penny Sharpe that I had considered that option. The member may have noticed that I have been speaking to the Clerk on numerous occasions. This matter is complex and many arguments have been raised. It is 4.00 p.m. on a Thursday and the House has other matters to deal with. I will afford members, in particular the Hon. John Graham, an opportunity to submit further submissions in relation to step one. More importantly, if the matter proceeds and the same arguments are raised in relation to step two, I want to be in a position to rule on step two next Tuesday. The worst scenario would be that I reserve my decision on step two until Thursday. For that reason, it is more prudent to defer my decision to Tuesday.

I propose to reserve my ruling on the point of order taken by the Leader of the House. I will give my ruling subsequent to formal business on Tuesday of next week. I invite any member, should they so wish, to forward further submissions to the Clerk by 10.00 a.m. Monday 19 October 2020. In any such submission members are requested to refer to step one and the contingent notice and, if it proceeds, to step two and the contempt motion. I thank all honourable members.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

Mr DAVID SHOEBRIDGE (16:04:07**):** I move:

> That standing and sessional orders be suspended to allow private members' business item No. 845 outside the order of precedence regarding an order for papers relating to the Premier's email correspondence to be called on forthwith.

I will let others make the argument for me in the circumstances but I will say that this is an urgent motion. We found out from the ICAC that until now the Premier has had a secret email account through which people like Mr Maguire, property developers and others have been communicating with her. I have looked through all the applications under Standing Order 52 that are enumerated in item No. 845 and I am yet to see a single email produced from this secret email account of the Premier.

These matters relate to Insurance and Care NSW. Mr Deputy President, you would have heard arguments about the mysterious nature in which decisions were made. Perhaps some of that mystery is explained in an email. I may sound as though I am getting to the merits of the motion but it is evident from the debate that just occurred that this is a very important matter for the House and it is a very important matter in the community. The House has an obligation to hold the Government to account for the fact that the likes of Mr Maguire and Ms Waterhouse and others have been secretly backchannelling with the Premier through a secret email address. I move this contingent motion because the House should prioritise that obligation.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I am correctly informed by the Clerk that the only other person who can speak on this motion is a Government member.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:06:44**):** The member has not established any urgency in relation to this motion to suspend standing and sessional orders. Today is Government business day and the three bills that are still to be debated should be the subject of the attention of the House. A whole day is set aside for private members' business and notice of this was given. If there was a priority that needed to be attached to this issue, it should have been debated yesterday. This is not so urgent that it needs to take up the Government's time today. It is an attempt to take up the time of the business of the House and flout the conventions of the House in respect of conduct of business. The appropriate way for the member to bring his motion before the House is to put the motion on the private members' list to be debated next Wednesday. I ask that members do not acquiesce to allow Government business to be interrupted.

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.

Documents

THE HON. GLADYS BEREJIKLIAN EMAIL CORRESPONDENCE

Production of Documents: Order

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 845 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (16:17:52**):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 January 2017, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Premier or the Department of Premier and Cabinet relating to email correspondence of the Premier:

(a) all emails received and sent by the Premier via all private email accounts, including any emails that proposed or requested government action, or meetings with herself, any other government member or official, in relation to:

  (i) Insurance and Care NSW; and

  (ii) any grants or other payments in relation to local councils.

(b) any emails received and sent by the Premier via all private email accounts, which fall within the terms of the following orders of the House:

  (i) administration of Insurance and Care NSW;

  (ii) Insurance and Care NSW and the State Insurance Regulatory Authority;

  (iii) Insurance and Care NSW, The Treasury and the New South Wales Workers Compensation Scheme;

  (iv) Community Funds and Grants;

  (v) Stronger Country Communities Applications;

  (vi) Stronger Country Communities Fund Grants; and

  (vii) The Stronger Communities Fund.

(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 refer to my argument on contingency.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:18:18**):** I make the same point again in relation to this issue. We are here at 4.20 p.m. on a Thursday afternoon in circumstances where we have four Government bills to be considered by the House. This is an abuse of the process and conventions of this House. The subject matter of the motion has been sprung on the Government on a Government

business day. We are deprived of the opportunity to consider those matters, but we will comply with the will of the House.

The Hon. ADAM SEARLE (16:19:28**):** The Opposition will be supporting Mr David Shoebridge's motion. To address the points raised by the Leader of the House, we recognise it is Government business day but we on this side of the House are willing to stay here until each of the four bills is dealt with, if that is the will of the Government. So there is no issue there. The Minister said this has come out of the clear blue sky and surprised the Government. There was nothing more surprising than the Premier's evidence to ICAC on Monday about the existence of a secret email account and that is what this is about. So it is deeply appropriate that this be dealt with during government business.

The Hon. MARK LATHAM (16:20:11**):** One Nation will be supporting this motion for a call for papers under Standing Order 52. The Leader of the House said it had been sprung on the Government. On Monday what was sprung on the people of New South Wales and the entire political class was the news that the Premier had a private email account through which she was transacting the business of government. In addition, her close personal partner was handing out the email address to people like the Waterhouses of Big Philou and Fine Cotton fame to lobby the Premier directly in transactions of government business. That automatically changed the rules of Standing Order 52 and our awareness of the documents that should be presented out of respect for this Chamber. All this motion seeks to do, with due urgency, is respect the process.

If matters are being transacted away from the normal documents of government via private email or WhatsApp or Signal or any other telecommunications device designed to conceal how things are really being done, then in the interests of transparency and good government we have the right to know. We also discovered this week of course another very important matter that was concealed from the people of New South Wales for a whole six years. We are not here to cover up for a government that will not let the people of the State know what is going on. It is time to open the blinds and shine a light on what the Government has been doing. That might be the Premier's lover and his dirty, disgusting deals for financial gain or it might be the way in which there seems to be a magic government funding program that has no official documentation of any description. The program seems to be run by Photios dust or Maguire dust.

Whatever the behind-the-scenes mechanism by which $255 million of government funding is being distributed, it needs to be known to the people of this State. That is just common sense. If you want to encourage corruption and the worst impropriety in the history of this State, do it all in secrecy. That allows the Government, via private email, WhatsApp or Signal, to do whatever it likes because no-one ever finds out. The fact that it could run a $255 million grants program without any documentation is simply phenomenal. I have spent probably 40 years studying the nature of public administration and government and I would have looked at hundreds of these programs during that time—too many to remember. But I have never known of one that did not have a single document that could be produced. Maybe it is all in a private email or on WhatsApp or Signal. We have the right to know and we should insist on it.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Before the next member speaks, I will make the point that I have allowed the Hon. Mark Latham to have his full two penneth worth and no point of order was taken by any Government member. This is a Standing Order 52 motion relating to icare documents and grants. I ask members to work within the terms of the exercise.

The Hon. DANIEL MOOKHEY (16:23:57**):** The appearance of icare in any motion is a siren call that causes me to make a contribution. There is one deficiency or maybe two deficiencies in the Standing Order 52 call for papers that should be corrected. The first is that in addition to our learning on Monday that the Premier has a private email address, the Premier said in her evidence that other Ministers do too. She said that this is routine and added that it was a continuation of the email account she had when she was Treasurer. That is the first point and it prompts the additional question as to whether her successor as Treasurer also has a private email address. We do not know about that.

We do know that when it comes to icare, we have made a number of Standing Order 52 applications and four of them have passed this place. About 60,000 documents have been produced in response to these requests and I have read most of them. They are riveting reading. Not one of them included any emails or any correspondence sent to or from Dominic Perrottet. That is in contrast to Minister Dominello. Minister Dominello's office did produce email addresses and email correspondence that he received and sent in relation to icare. That raises a remarkable question. It might explain why icare has so derailed: Either the Treasurer knew nothing about it because no documents were produced or, the alternative, that there is another email address that we do not know about. I would like to find out. On that basis I move an amendment to the motion. I move:

That the question be amended as follows:

(1) In paragraph 1, omit "in the possession, custody or control of the Premier, or the Department of Premier and Cabinet relating to email correspondence of the Premier" and insert instead "in the possession, custody or control of the Premier, the Department of Premier and Cabinet, the Treasurer or the Treasury relating to email correspondence of the Premier and Treasurer"

(2) Omit "emails received and sent by the Premier via all private email accounts" wherever occurring, and insert instead "emails received by and sent from the Premier's direct email addresses (as described by Counsel Assisting the Commission during the public hearing into Operation Keppell on Monday 12 October 2020)".

(3) Insert after paragraph (b),

(c) all emails received by and sent from the Treasurer's direct email addresses, or any email addresses directly monitored by the Treasurer, regarding the orders of the House listed in paragraph (b).

This amendment will expand the scope of the Standing Order 52 call for papers to encompass any private email address that the Treasurer might be operating. It would require him to produce documents that were not among the 60,000 documents already produced. It is fitting that we pass this today as it is the day that the journalist responsible for the icare story has been nominated for a Walkley Award on the basis of the scrutiny of this House. I commend the amendment to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:27:30**):** This is a substantial amendment and goes to the point I raised earlier. This is a Government business day. The Government has had no opportunity to form a view about the extent of this motion and what it encompasses. This would have happened if proper process had been followed, allowing us at least one day's notice to take instruction. We are being told to form a view and to comply with that obligation. This reeks of the worst abuse of the use of this place in relation to—

The Hon. Adam Searle: Does the member mean like the travesty of question time in the other place?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order!

The Hon. DAMIEN TUDEHOPE: I said "this place". The manner in which the Opposition is now seeking to conduct business represents an abuse of this place. This could easily have been the subject of a motion next week which would give the Government an opportunity to form a proper and reasoned response but no such courtesy was provided. It is opportunistic and an ambush.

Mr DAVID SHOEBRIDGE (16:29:32**):** In reply: I thank all members for their contributions. The Greens accept the amendment moved by the honourable member. There has been a small amount of heat and light in the debate, but we only heard about the secret emails on Monday. We have been looking for information covered by the Standing Order 52 applications and hunting for answers on the local grants scandal for over 12 months. We found out about a secret email on Monday; of course we are going to ask for the documents. Any credible parliamentarians whose job is to hold the Executive to account would do exactly what we are doing if they had the power to do so.

I understand that the Government is not happy about it and that it does not want to talk about the Premier's or Treasurer's secret email account or what happened in icare. I understand that the Government is embarrassed by what has occurred in ICAC. Who would not be grossly embarrassed by that and by the fact that there is a previously undisclosed secret back line of communication to the Premier? We get lectured about integrity by the Government. This Standing Order 52 request is going to test that integrity and that is why I commend it to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I wish to apologise to the Hon. Mark Latham. He was speaking entirely to the matter before the House and I was wrong. That is an unusual concession by me.

The Hon. Mark Latham: Did that really just happen?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The medication has obviously worn off. Mr David Shoebridge has moved private members' business item No. 845 outside the order of precedence, to which the Hon. Daniel Mookhey has moved an amendment. The question is that the amendment moved by the Hon. Daniel Mookhey be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

Bills

TRANSPORT ADMINISTRATION AMENDMENT (CLOSURES OF RAILWAY LINES IN NORTHERN RIVERS) BILL 2020

Second Reading Speech

The Hon. BEN FRANKLIN (16:32:53**):** On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

Motion agreed to.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The purpose of the Transport Administration Amendment (Closures of Railway Lines in Northern Rivers) Bill 2020 is to authorise the closure of two sections of non-operational railway line in the Northern Rivers region of New South Wales to enable the development of the Northern Rivers Rail Trail. The two sections run between Crabbes Creek and Condong and between Casino and Bentley. Legislation is required because section 99A of the Transport Administration Act 1988 (NSW) prevents the closure of a railway line unless authorised by an Act of Parliament. The land will remain in public ownership and each rail trail section will be managed by the relevant local council.

As was highlighted when the bill was before the House to authorise the closure of the Rosewood to Tumbarumba railway line in 2017, rail trails are an innovative use of non-operational railway lines that generate substantial economic and social benefits for local communities. By helping to unlock their potential we will stimulate local tourism and, most importantly in these times, we will provide an asset that improves the physical and mental health of its users. The rail line between Casino and Condong has not been in operation since 2004. Given the stunning location of the Northern Rivers, it is ideal for renewal as a vibrant new tourism attraction, building on the significant natural beauty of the region.

The New South Wales Government's first rail trail pilot, running from Rosewood to Tumbarumba in the Snowy Valleys local government area, was completed in April this year. I am proud to say that that pilot has been a huge success, with over 5,000 riders using the rail trail in July alone. That does not include all of the other walkers, runners and support crew who combine to bring a much-needed economic boost to Tumbarumba, Rosewood and the surrounding local communities. Most States in Australia already have multiple rail trails established, with more than 25 active trails in Victoria alone.

Section 99A of the Transport Administration Act 1988 requires that before a rail infrastructure owner can close a railway line outside a greater metropolitan region, the closure must be authorised by an Act of Parliament. That includes the removal of the tracks, which is a fundamental requirement of the repurposing of the corridor into a safe trail for pedestrians and cyclists. Accordingly, the Transport Administration Amendment (Closures of Railway Lines in Northern Rivers) Bill 2020 seeks to authorise the closure of the non-operational line between Crabbes Creek and Condong and between Casino and Bentley to progress two sections of rail trail along the corridor and to keep the closed corridor sections within public ownership.

The 24 kilometres of rail trail for stage one of the Northern Rivers Rail Trail from Crabbes Creek to Condong has received project and ancillary funding from the New South Wales Government totalling $8.4 million. That is jointly funded by the New South Wales Government's Regional Tourism Infrastructure Fund and the Regional Growth—Environment and Tourism Fund. The project also secured $6.5 million from the Commonwealth Government in 2018. The 13 kilometres of stage two of the Northern Rivers Rail Trail from Casino to Bentley was funded in 2019 by the Commonwealth Government, which has committed $7.5 million for the delivery of stage two.

A Tweed Valley rail trail steering committee has been established, chaired by members of Tweed Valley Council. Richmond Valley Council is also a participant and will be able to take away all of the relevant items of discussion, planning and lessons learnt from its own stage two section. The State is represented on the committee by the Department of Regional NSW, Transport for NSW and the NSW Department of Planning, Industry, and Environment (Crown Lands). The steering committee has helped to ensure good progress in the planning and consultation stages of the project. However, formal closure of the railway line is required to further progress the development of the rail trail.

I assure the House that the rail trail will remain under public ownership, which the bill specifically addresses in part 31, clause 229. Any government or public ownership model adopted will ensure that the land can easily be returned to Transport ownership, if this is ever necessary. The Government facilitated extensive community consultations in the Tweed shire in October 2017 and in the Richmond Valley Council area in February 2020. The member for Tweed has confirmed his strong support for stage one of the Northern Rivers Rail Trail. The member for Clarence has also confirmed his strong support for the rail trail between Casino and Bentley. The member for Lismore has also publicly supported the rail trail. Further, a broad range of industry and community organisations have provided support in writing for the Northern Rivers Rail Trail project.

A strategic risk assessment was completed to address project risks. A specific 2019 biosecurity risk management plan has been prepared by New South Wales Local Land Services to manage both current and potential future risks. The trail will also employ several mitigation and management strategies to address potential risks of contact between animals and trail users, and trail users with neighbouring farms. These include appropriate public signage, warning about trespass and biosecurity obligations, private farm biosecurity signs and farm visitor notices and directions.

The trail user obligation signage will also include rules for the use of the rail trail relating to the treatment, handling and disposal of food, human waste and personal clothing to manage risks associated with soil and seed material. Fencing and barriers will also be a key trail design preventative measure to mitigate and manage the risk of transfer of disease between trail users, animals and neighbouring farms and properties. Other issues to be managed include road safety risks where the trail crosses roads, and issues regarding livestock containment and livestock access to watering points. Mitigation measures have been identified to address each of the risks and will be discussed in detail with affected neighbouring landowners.

Stage 1 of the Northern Rivers Rail Trail is the second pilot for rail trails in New South Wales. The differences in geography, environment, asset make-up and existing agreements require some different planning and problem solving to that of the Rosewood to Tumbarumba pilot. To this end, during the tender and construction phase of the project the agencies and councils will jointly investigate and put forward any initiatives to further enhance and make more viable this and other future rail trails, including the provision to capture existing and proposed commercial income for ongoing rail trail maintenance. Stages 1 and 2 of the Northern Rivers Rail Trail will have positive impacts on local communities and provide increased business and tourism opportunities for the surrounding region. They will also enable better access to this beautiful part of our State.

Second Reading Debate

The Hon. JOHN GRAHAM (16:33:09**):** The Transport Administration Amendment (Closures of Railway Lines in Northern Rivers) Bill 2020 is a major step in the establishment of the Northern Rivers Rail Trail. Around the world rail trails convert disused rail lines into shared paths for walking, cycling and horseriding. They are widespread in New Zealand, Europe, Canada and the United States, where they have transformed regional communities that are crying out for investment, tourism and recreation opportunities. In Australia there are over 100 rail trails—many in Victoria—where adventurers can explore the breathtaking natural landscapes of our regions. The bill amends the Transport Administration Act 1988 to enable the development of a second pilot rail trail in the Northern Rivers.

I indicate at the outset that Labor supports the bill and supports rail trails in New South Wales as part of a greater strategy to develop great walks in New South Wales. A critical factor in Labor's support for the bill is the inclusion of specific provisions that keep rail corridors in public hands as a measure for future use. In effect the bill transforms two sections of the Casino to Murwillumbah branch line from a disused corridor into a rail trail comprising a 23-kilometre stretch between Crabbes Creek and Condong and a 13-kilometre segment between Casino and Bentley. Importantly, the Minister in the other place gave assurances in his second reading speech that the bill prohibits the sale or disposal of the land along the corridor to private interests.

Studies indicate that rail trails are fantastic for tourism. Research from La Trobe University shows that visitors to Victoria's rail trails invest around $51 a day in local economies. That is more than regular tourists, mainly because they tend to stay overnight, they do not carry food or other items with them and they tend to purchase as they go. That is a lifeline for the thousands of tourism businesses, accommodation providers and flow-on businesses that benefit from tourism dollars and it is good news for local jobs. The Northern Rivers Rail Trail group estimates that the completed rail trail between Casino and Murwillumbah will create a total of between 800 and 1,200 jobs. The rail trail is coming just in time for the region, which has been hit hard by COVID-19. It already had one of the highest unemployment rates for youth in the State. The Regional Development Australia report estimates that more than 15,000 jobs vanished from the Northern Rivers regional economy between February and May this year.

The Northern Rivers Rail Trail project is shovel-ready. It will have a positive impact on jobs in the local economy just when the region needs them most. It will bolster well-known local businesses and new businesses will spring up along the lines, including businesses like cycling repair shops, e-bike hire, recreational activities and accommodation. It is a fantastic opportunity for local residents, who will be able to sell produce and wares to bicycle tourists along the lines. Rail trails are a good example of an economic stimulus project for those regions. I saw it when I took our kids on the Otago Central Rail Trail. I had to travel to New Zealand because the truth is that those facilities are not developed in New South Wales—

The Hon. Bronnie Taylor: Tumbarumba.

The Hon. JOHN GRAHAM: This was a number of years ago when the kids were younger. At that point it would not have been possible to ride the rail trail in Tumbarumba, to which I will refer shortly, because rail trails were undeveloped in New South Wales. You had to go to Victoria or New Zealand to ride them. We were making our seven-year-old ride 150 kilometres over five days. He loved it and he made a fantastic effort. There was one day on the trail when it got wet and rainy and he was sick so we gave him the day off. Other than that, he pedalled along. One of the great advantages of routes that are designed for railways is that they are at gentle gradients and even a seven-year-old was able to fly along and make the most of that fantastic, original rail trail, which was the very first that had been set up in New Zealand.

We want that in New South Wales. We want jobs in that tourism industry and we want to bring that approach to New South Wales. The community in the Northern Rivers deserves our support. The Opposition urges the Government to find extra money to make it happen. We want to transform a disused rail line into a key piece of active transport infrastructure, for the jobs and for the opportunity to build on a fantastic part of our State. I note that there have been some concerns raised, particularly from farmers and local landholders, about the ability to protect farms and properties from biosecurity risks.

I note that my colleague the Hon. Mick Veitch will be contributing to debate and I am certain he will raise those complexities in some detail. He has been an enthusiastic advocate for rail trails within the Labor Party. Over

quite some time he has been crucial to shaping where the Opposition has headed on the matter. I love his enthusiasm in general but he is on the right track with this one in particular. Another concern that has been raised about the rail trail issue is that the line should be retained for future use by heavy rail. That point is made strongly in the local community. The Murwillumbah branch line opened in 1884 and by 1903 it extended to Casino. The Opposition respects the role that heavy rail has played in building our regions and we understand the anger and pain felt by communities along the lines at the previous loss of their rail services.

My colleague in the other place referred to a study that was conducted to gauge the future of the rail line, which outlined the very significant cost of upgrading that rail infrastructure. We must acknowledge that when weighing up the future of the rail lines. The crucial thing that the Opposition fought for—and the Hon. Mick Veitch was pivotal in driving that approach—was for the rail corridors to remain in public hands. The Opposition's approach was then adopted by the Parliament. That is why we have ended up in this position. We want the land in public hands. We do not want it to be sold off. It cannot be part of the privatisation mania that occasionally seizes the Government, usually in the months that lead up to a budget. We are not having that. Those rail line corridors cannot be chopped to bits, the rail lines cannot be shipped off around the State and the sleepers cannot be repurposed. The Opposition wants the rail line corridors preserved in public hands—used in this innovative new way but available to future generations to do whatever they like based on the circumstances at the time. That is the position the Parliament has settled on. It certainly was not where the Government or the Parliament started.

I thank the Hon. Mick Veitch for his role in landing on this very sensible long-term outcome. Nothing is ruled out; all the options are preserved. People have a right to fight for rail in their communities. However, fundamental to doing that is the commitment that the Opposition has sought and obtained about keeping the land in public hands. I acknowledge the work of my colleagues in the other place. Jo Haylen, Janelle Saffin, David Harris and Jodi McKay have all been very active in the debate, as have many others. I acknowledge the local activists: the Northern Rivers Rail Trail group and the team at Rail Trails for NSW. They have argued for it for much longer than it has been argued in the Parliament. The bill is testament to their persistence and passionate advocacy. I commend the bill to the House.

The Hon. MARK LATHAM (16:42:19**):** Listening to the Hon. John Graham made me wonder what it would mean to the great Ben Chifley to hear that the Australian Labor Party is voting to close down a rail line and replace it with a hippies' walking trail. What would Chifley think of that? Why did he bother in the great rail strike of 1917 when a Tory government in this place tried to break the railways union? Chifley, politicised for the first significant occasion, said that the party would fight for the union and rail services in New South Wales. In perhaps one of the most unorthodox moments in recent New South Wales political history, One Nation will join with The Greens to fight tooth and nail for rail services rather than walking services. I confess that I bring to this Chamber my own historical baggage of sorts on this issue.

I thought I threw this boomerang away 16 years ago, never to see it again. In the great tradition of Indigenous culture, it has well and truly come back. In the 2004 Federal election campaign—a losing campaign, as it turned out; please feel sorry for me—there was one shining light in the marginal seat of Richmond, which we could possibly win. In one of the great acts of bastardry, in this exact place at State level without any consultation with his Federal colleagues, Michael Costa closed down the rail line and left me, the hapless Federal leader of the Australian Labor Party, against all my economic rationalist instincts, promising that there would be a special Federal grant under a Labor government to restore the rail line along the Northern Rivers—Murwillumbah to Casino.

The Hon. John Graham: We won the seat.

The Hon. MARK LATHAM: "We won the seat"—a triumph in the carnage, a shining light in the train wreck, if I can use that pun. Here I am 16 years later, still committed to the rail service. So invoking the tradition of Chifley, invoking the carnage of the 2004 Federal election campaign and reflecting on the absolute political bastardy of Michael Costa, I remain steadfastly committed to the policy I had 16 years ago when, obviously, I thought it would be completely impossible—let alone the boomerang coming back—that I could land here in these circumstances to unite with The Greens. The serious point is that One Nation's policy is to have real and substantial services for people rather than this hocus-pocus of a tourist walking trail.

At the crossbench briefing—here is the moment when I can restore my economic rationalist credentials—I asked the Government for its cost-benefit analysis, its economic justification for the bill. I was told it did not exist and that it was an election promise. Maybe it was going to benefit our good friend here—in another losing campaign, as it turns out. The main point is that we should not give up on these substantial services. The Northern Rivers community deserves a functioning rail line. Members of Parliament should hold to that principle and build substantial services for people instead of giving in to an ill-advised decision 16 years ago, which now, apparently, will be the majority view of this Chamber when Labor, Liberal and Nationals members unite to move to an alternative model without the economic work, without the justification and without providing a cost-benefit study

to the members who asked for it. The Government must do better work. I commend Ms Abigail Boyd for her work and for the amendments that she will bring before the House to ensure substantial transport services for people in the northern part of the State.

The Hon. CATHERINE CUSACK (16:46:23**):** It is incumbent on me to make a few comments because I was there when the railway line was closed. The anger I feel about that decision made by former Minister Michael Costa is every bit as strong today as it was at the time. Anger swept through our entire community from Tweed all the way down through the train stations of Byron, Murwillumbah, Bangalow and all the way out to Casino. The anger did not extend into Ballina as much. However, Ballina was profoundly affected because it was Ballina's rail line as well. The rail line is known as "the line to nowhere" because it was built at a time when the North Coast was supplying all of Sydney's dairy produce. All butter and milk came from the North Coast. The main line went up through Casino and the spur line was built to deliver bananas and fresh produce from the North Coast, which all went out onto the wharf at Byron Bay. The ferries brought it down to Sydney.

It was constructed at a time when railway was king in New South Wales. The amount of land, property, buildings and warehouses and other infrastructure owned by what is now the transport department is gobsmacking. I have always maintained that there were other solutions to manage the cost of maintaining 178 timber bridges on that line—effectively, that was the cause of its economic failure—which would have involved using the asset more holistically. I was a member of the parliamentary inquiry, chaired by Jenny Gardiner, into the closure of the Casino to Murwillumbah rail link. Jenny did a brilliant job. The committee visited all affected towns and the community turned out in the hundreds. They sat through the committee hearing in utter silence. You could have heard a pin drop as the committee heard evidence from the community about the impacts of the rail closure. It ripped the heart out of the far North Coast to lose that service. The Sydney to Murwillumbah train connected people to Coffs Harbour. People who needed ophthalmology surgery could take the train from Byron Bay to Coffs Harbour and back again, for example. Aboriginal kids at Casino would catch the train. It was not a local service but it was being used by locals who had no other service. They would get on the train at Casino with their surfboards, have a day at the beach and then come back.

None of that can happen anymore. All of those activities—kids and people who go to Byron to have a meal—are gone and it has never been replaced by anything. Michael Costa put in a whole lot of community transport that was needed but it was certainly no replacement, and it did not address any of the needs of people who have no other means of transport. It was devastating. I was on the last train from Murwillumbah and people from all political parties on the North Coast were outraged. During the inquiry we heard from the CEO of that department at the time, Vince Graham, who indicated to us that he had had no idea about the decision and he had first heard the news when he was holidaying with his family in Byron Bay. He received some very immediate feedback about how the decision went over with the community.

Michael Costa made an ego decision and everybody knows it. It was not a decision that was put up in the budget process and it should never have been made. When we came to Government a viability study was done but the problem was that it had all happened in 2004. By 2011 the state of those bridges was despicable and the issue was about trying to get trucks under bridges at Lismore and whether they should be removed. Gladys Berejiklian was the transport Minister and she sent a staff member up to see me with a significant study that was done to try to resurrect the rail line. The cost of it was over $200 billion—or some astronomical sum of money—and I remember picking up the report and throwing it on the floor. The staff member said that he was told that that would happen. I was so disappointed. The dream of our community is for that railway line and corridor to connect Casino on a separate line looping through to connect with the airport line at Gold Coast Airport. An improvement could even be made if we were to reconstruct that railway line.

While all of that was going on the Queensland Government was building a light railway line down to Gold Coast Airport. The cost of doing that is very difficult because of the two bridges that cross the Tweed River. That is the big prohibitive cost, but once done it would solve many transport problems in our community and recognise how integrated our community is with Queensland. I have been reassured by Minister Constance that the line will be retained in public ownership with the opportunity to do that in the future. I believe with all my heart it is something that will happen because it is logical and just, and the Government is retaining the option. In the interim it is allowing the line to be utilised as a rail trail. It is one of the great rail lines of the worlds. There is no more beautiful rail line and it is compared with Kuranda in Queensland—there are probably only those two. To use it as a rail trail is an awesome utilisation of that space while we are waiting for a future decision that will relate to population and a whole lot of other things that I can see slotting into place.

I thank the Government for safeguarding that option and keeping it open. I feel totally comfortable with what is being proposed. It is good for our community and does not rule out the option in future. I have seen other decisions made where corridors for road or rail are sold off or alienated in such a way that they cannot be utilised. The bill provides an ideal solution. I have received many messages and emails from people and I am sorry this is

not the answer they wanted me to give them, but I can assure the House that there is no-one more passionate about that rail line than me. I ask those people to rest assured that it is an excellent interim solution. If anything, it will continue to draw attention to how good that rail corridor is and continue to keep it on people's radars as an option for the future.

Ms ABIGAIL BOYD (16:53:48**):** On behalf of The Greens I oppose the Transport Administration Amendment (Closures of Railway Lines in Northern Rivers) Bill 2020. The bill is being rammed through Parliament without consultation with the relevant communities. If passed in its current form, it would see a rail line that has serviced the Northern Rivers for over 110 years ripped up, never to return. Constructed in stages, the first section of the track connecting the Richmond and Tweed rivers was opened in 1894. At the time much controversy surrounded the project's £1.5 million price tag, with opponents of rail contending that the money would be better spent on roads or other infrastructure projects in the region. William John Lyne, Secretary for Public Works at the time, rebuked that position when he stated at the grand opening of the rail line at Lismore station that such roads were required to be kept in repair, but once a railway was built it was built practically forever. Well over a century later, that quote holds true.

The rail line has transported countless tonnes of goods, including sugarcane crops, bananas, agricultural supplies, livestock—you name it. With the formal extension of the line to connect with the North Coast line in the 1930s it facilitated thousands of commuter journeys between towns and in and out of the broader region. Investment in rail pays off, and the success story of the Casino to Murwillumbah rail line shows the immeasurable long-term benefits, both social and economic, that rail brings to communities. Why, then, are we here? Why is this rail line, which was used successfully for hundreds of years, now facing being ripped up and not being replaced with modern public transport solutions for a fast-growing region in desperate need of more services? A rail trail could quite easily be built without ripping up the existing tracks. To understand, it helps to go back to 2004, when the then Labor Government closed the line, deeming it economically unfeasible—as if the primary reason for operating a public transport service was to generate revenue. That mentality, which Coalition MPs clearly share, dominates discourse around transport infrastructure in New South Wales and across Australia more broadly.

It is no longer about the government of the day providing infrastructure and investing in the wellbeing of communities but about generating profit. From the metro to the myriad private toll roads crisscrossing Sydney, the infrastructure that is built, funded and supported by this Government and previous governments is first and foremost about making money—almost always for private corporations at public expense. When properly built, funded and designed, public transport has immeasurable social, economic and environmental benefits for the health and wellbeing of entire communities. The delivery of services such as the passenger rail on the Casino to Murwillumbah line should be considered a core part of the job of government. That brings us back to the bill before the House. The Greens strongly oppose the bill for three key reasons. Firstly, if passed without amendment the bill would see the rail corridor ripped up, denying the opportunity for passenger rail services to return to the line in the future. But there is no need for us to choose between world-class passenger rail services and a thriving rail trail. We can and should have both.

Across the world there are many success stories of rail trails alongside rail tracks that have protected the existing infrastructure and been huge drawcards for their communities, from Otago in New Zealand to the nearly 40,000 kilometres of rail and trail in the United States. It has been done before and can easily be done here. We know that bringing trains back onto the tracks is more than possible. We only have to look at the success of the Byron Bay solar train to see what can happen when we bring our existing rail infrastructure together with cutting-edge renewable technology. Furthermore, the recent Arcadis study commissioned by Byron Shire Council shows that if there is political will we can have trains back on the tracks servicing our towns in no time at all.

If done right, the revitalisation of the rail corridor, with world-class passenger services alongside a vibrant eco-friendly rail trail, would be a huge boon for the region. Secondly, the bill does not do enough to ensure that the land remains in public ownership. We have strong concerns that the current provisions within the bill do not go far enough in ensuring the community asset stays in public hands. For example, under clause 230 a lease of 99 years can still be issued to a private entity, so long as it is a lease for recreation, tourism or community-related purposes only. If a gigantic theme park was built on the land, or multiple businesses given 99-year leases along the stretch, there would be no difference to the public than if the land was sold. They would lose the use of it and it would be that much harder to ever reclaim it for public use.

All of those situations and more that would see the land given to private interests would be doable under the bill as it currently stands, and we cannot allow that to happen. The most successful rail trails are ones that are kept in public ownership. Rail trails in New Zealand like the Otago rail trail or the Queenstown rail trail are successful, according to the members of their boards, because they have kept the land publicly owned and accessible. Any business that operates on or near the corridor must meet strict operating guidelines and lease the

premises from them. Conversely, rail trails with no public trust and, for example, just one corporation that leases the land tend to be less successful, leading to rail trials on which you have to pay for access and, once you are on them, you are bombarded with sickening amounts of advertising for services along the way.

Currently there is nothing to stop such an occurrence from happening with the Casino to Murwillumbah line if the bill passes in its current form. That brings us to our final and third objection: There has been no meaningful consultation with relevant communities in the Northern Rivers on the bill. The Government claims to have provided ample opportunity for consultation, but revelations from former mayor of Tweed Katie Milne show that the only State Government consultation undertaken in her area involved 40 hand-picked participants, including 26 directly affected adjacent landholders, 13 organisations and MP Thomas George. Where were the town hall meetings? Where was any meaningful attempt at online consultation or for people and residents to be given the chance to make submissions about what happens in their own towns and region? I do not know about you, but last time I checked a small room full of hand-picked property owners does not constitute "extensive consultation", as Coalition MPs Geoff Provest and Chris Gulaptis stated on the record had occurred in the debate on the bill in the Legislative Assembly.

That is not all. On behalf of The Greens, I have now provided the members of this House with not one but two opportunities to refer the bill to a public inquiry, which would give those affected by the removal of this rail line a chance to have their voices heard. Both were a chance for the 10,000-plus people who signed the petitions I tabled earlier today to express their strong opposition to the proposal to rip up the tracks and to have their calls for rail services to be reinstated. Both times, the Liberal, National and Labor parties have come together to deny the community that chance.

If the bill is so widely supported and so important for the region, then it deserves to be held up to scrutiny by those it will impact on most. By denying them that chance we are making a mockery of this place and what it means to represent the people of New South Wales. Given the clear evidence that there has been no meaningful consultation for this bill and the impacts it will have on the future of the Northern Rivers region and community, I therefore move yet again that it be referred to an inquiry so that those most affected can finally have their voices heard. I move:

> That the question be amended by omitting "be now read a second time" and inserting instead "be referred to Portfolio Committee No. 6 - Transport and Customer Service for inquiry and report by 13 November 2020."

As the chair of that committee, I can assure the members that we have no other active inquiries on foot and would be pleased to take it on. If that is unsuccessful, I will move to strengthen the bill with amendments that seek to ensure that the land remains firmly in public ownership, that the rail trail is built off-formation, and that the tracks themselves are protected for the return of future passenger rail services. Finally, I acknowledge the tireless advocacy of two community groups: Northern Rivers Rail Action Group and, in particular, Trains On Our Tracks. Both those groups and the countless activists that comprise their membership have campaigned continuously to see their rail services returned since the last train left Lismore station in 2004. The member for Ballina, Tamara Smith, the rest of my colleagues from The Greens and I stand firmly with them. We support them and thank them for their work in this campaign. The Northern Rivers could be home to world-class passenger trains running frequently alongside a thriving, vibrant rail trail. The only thing stopping us is the political will to make it happen.

The Hon. MICK VEITCH (17:03:59**):** From the outset I need to put on the record that I have an interest to declare in this matter. I am actually a patron of Rail Trails Australia—not financially remunerated.

The Hon. Walt Secord: No secret commission.

The Hon. MICK VEITCH: None of that. In accordance with the code of conduct that we have to adhere to, I put on the record that I am a patron of Rail Trails Australia.

The Hon. Mark Banasiak: Conflict of interest.

The Hon. MICK VEITCH: I have checked with the Clerk. It is not. I did that before I stood up. I thank the Hon. John Graham for his kind words. I will say a few things about rail trails. I agree with Ms Abigail Boyd. There are a lot of instances where you can combine the two. I have seen that in place. In a lot of places it makes sense and is actually quite constructive for communities. The other thing about rail trails is that they do not always have to follow the rail corridor. I have had that conversation with a number of members in the House previously. At some places you can deviate away from the rail corridor and find a more amenable or safer route. You need to work through them on an individual basis; you cannot apply the same rule to every rail corridor. That is really important.

It happened here: People started citing rail trails from around the world and then that is the vision and the application we put to every one of them. We have to be careful there. One of the great things about getting them right is you do actually accommodate their own individualism and nuance. There are a number of constructive

suggestions about rail trails that I hope the Government has heard. There are a couple of other things. Ms Janelle Saffin, the member for Lismore, worked pretty hard on the bill with the Government in the other place. It is important that we put that contribution on record.

The Hon. Ben Franklin: I say so myself.

The Hon. MICK VEITCH: Yes. There are a couple of things that worry me about such bills. The Tumbarumba rail trail is an example. It takes a while for this to occur. It is not just the corridor; it is the former railway stations and sidings as well. When we talk about 99-year leases, I really do not think that works. I would ask the Parliamentary Secretary to confirm that there is no plan for a long-term, 99-year lease because that was, as I understand it, an undertaking that we were given in the other place. I want to ensure that that is the case. The biosecurity issues that the Hon. John Graham and a number of farmers along the rail corridors raised are valid. They must be given consideration and accommodated in any progression of these matters.

One farmer alongside a rail corridor in Victoria said to me that he did not appreciate the fence going up when the rail corridor was created, but in the long term he actually understood why that happened. Over time he treated it as if it were the road frontage to his property on the other side. Those are very valid concerns and need consideration as the issue goes forward. They should not be dismissed lightly. They need to be considered. It does not mean that the trails do not go ahead, but they absolutely need to be considered in the development of the rail trails. The last thing I will say about rail trails—and I have said it in a number of forums—is that the reason for the 2014 bill that I brought to this Chamber that went down and the reason I moved the amendment to the Tumbarumba rail trail piece of legislation is that I categorically believe those corridors must stay in public hands.

They must stay in public hands for all of the reasons that the Hon. Catherine Cusack and Ms Abigail Boyd put on the record in the Chamber. We cannot predict what will happen in the future. If we can utilise them in the interim until something else comes along, then we should. But they must stay in public hands so at least future generations have the opportunity to make a decision about how they think those corridors should be used for public transport. That is why I qualify my support for rail trails. They must be in public hands and they cannot be sold.

The Hon. BEN FRANKLIN (17:09:13**):** On behalf the Hon. Don Harwin: In reply: I thank all speakers for their contributions to debate on this very important bill: the Hon. John Graham, the Hon. Mark Latham, the Hon. Catherine Cusack, Ms Abigail Boyd and the Hon. Mick Veitch. I start by addressing a number of points that have been raised in the debate. The first and clearly the key point is the trains, and the anger that the Hon. Catherine Cusack extremely effectively highlighted that was felt in the community when that line was shut down. There was a lot of anger. It is a compelling, utopian thought to feel that we would be able to bring them back immediately but we cannot. That is not going to happen and I will tell you why. In 2013 Transport for NSW released a detailed study focusing on the transport needs of the community along the very line that we are talking about from Casino to Murwillumbah. The study examined the feasibility, benefits and costs of reinstating passenger services on the 130-kilometre line—which, as we know, had been out of service since 2004—and found that the rail line would not meet current or future transport needs and that there was not a commercial demand for it to be reinstated to carry freight.

A thorough engineering examination carried out as part of the study confirmed that the infrastructure has deteriorated significantly. At the time—in 2013—it was suggested that almost $1 billion would need to be invested to clear the dense vegetation, stabilise landslide areas, replace timber bridges and sleepers, extensively replace ballast and bring the system back up to the current safety and operating standards for frequent and quick train services. In the years since the study was completed, the cost of that work will obviously only have increased. The report found that even if this money was spent, the line would still not serve the major growth corridor between Lismore, Ballina, Byron Bay and the Tweed district. It would not help people to directly access health, education and social services. The study recommended investigation into improving bus services to provide more people with frequent, cost-effective public transport to key destinations like Lismore—which is the home of the university and the base hospital—rather than reinstating the rail line.

That is exactly what this Government has done. Based on this report we have invested in those bus services in the region to more effectively service the communities in the Northern Rivers—and not only bus services, but on-demand bus services in some areas. I acknowledge the Hon. Mick Veitch's contribution. We are keeping this in public hands. That is very critical because it does not preclude things changing in the future and us having a look at it again—or any government of any stripe having a look at it again. But, of course, that can only be done if it is kept in public hands and that is exactly what we are going to do. In answer to the Hon. Mark Latham's point that we should support real and substantial services for the people, I contend and this Government contends—and I suspect that the will of this Chamber is—that that is exactly what we are providing. A rail trail is a real, substantial service for people. It is not a substantial heavy rail service, but it is a service that is going to be utilised and will bring enormous benefits across the region.

Ms Abigail Boyd raised the side-by-side rail with trail model. I live in the Byron Shire. I have spoken to a number of people on many occasions about this proposal—particularly those connected with council, led by the outstanding public servant mayor Simon Richardson. I have some sympathy for it. In fact, I should give Ms Boyd some heart by saying that Transport for NSW is indeed working with Byron Shire Council to provide advice on the next steps to investigate a rail with trail option. But the scenario is a very, very complex one with many additional safety and operational factors to be considered. It will involve a great deal of further consultation and will require ultimate approval from the Office of the National Rail Safety Regulator [ONRSR]. Let me explain why this cannot be considered now. The business cases that have been approved by the Department of Regional NSW for the two rail trail stages were on the basis of the corridor only being used as a rail trail. Even if trains were to return to the line, a rail with trail model would present a number of challenges that would prevent or significantly delay the construction of the trail.

Any proposal that involves operational locomotives would have to go through all of the requirements of the ONRSR for approval. The rail trail operator would then have to meet the same requirements as a rail infrastructure manager, much like John Holland for the country regional network. This would necessitate additional levels of trail control, level crossing safety, environmental protection licences and further safety measures to protect users of the trail. It would also add significant costs if the regulator were to require a physical barrier along the length of the corridor where there is not enough safe distance between the track and the trail. A risk of flooding would also need to be addressed, as the trail would have to be constructed below the rail formation, which is currently where the water is directed at times of heavy rain. For these reasons a rail with trail option is currently unfeasible for the two corridors, at least at the moment.

The final point that Ms Boyd made was about community consultation. Let me make this very clear. Community consultation on the Northern Rivers Rail Trail dates back to 2013. That is when proponents for the rail trail first commenced consultation. We know that there is broad community support for the proposal. In October 2017 the New South Wales Government facilitated community consultation for the potential closure of the Crabbes Creek to Condong section of the railway line and 143 local stakeholders were invited to attend the workshop. Since the community consultation, Tweed Shire Council has been working with the community to address those concerns. They include the impact of tourism, safety, council's management role, biosecurity, access and privacy—as they should. These concerns will continue to be addressed through ongoing community consultation as the project progresses.

In February of this year, the New South Wales Government facilitated community consultation for the potential closure of the Casino to Bentley section of the rail line. The New South Wales Department of Planning, Industry and the Environment facilitated the event. An invitation to attend was sent to the Northern Rivers Rail Trail Inc. and Richmond Valley Council to share with the community and other interested parties. People unable to attend the session in person were encouraged to submit their views by email. Most concerns centred on the ongoing maintenance costs of the rail trail, biosecurity, access and security. These concerns will be addressed through ongoing community consultation as the project progresses. Further community consultation with interested parties, the relevant Aboriginal land councils and adjoining owners will be undertaken as stage one progresses.

I now want to quote someone who the Hon. Mick Veitch mentioned: Ms Janelle Saffin, the member for Lismore. Frankly, I think she put it best in the other place when discussing community consultation. This just goes to show the unanimity that there is between the Coalition and the Labor Party—unique, I think, for something like this—and shows how important it is. She said:

> My community has been debating and discussing this, and disseminating information on it since the Casino to Murwillumbah train line closed in 2004.

She also said:

> I do not know how much longer we can debate the bill because we have debated it for so long. As with a lot of things, you will make some people happy and some people unhappy. We have done our best to keep the corridor in public hands, to satisfy everybody and to allow it to be used as a rail trail.

I note the presence of Mr Geoff Provest in the President's gallery—another absolutely passionate and active fighter for this rail trail. His passion for and commitment to the rail trail is one of the reasons why we are here today. We are as one on this. Living in that community, we know that this issue has been discussed for years. I have only been there for 5½ years, but from the moment I arrived it was something that people were talking about. Everybody on the ground—businesses, organisations, the community—has been engaged with this issue. It is frankly wrong and offensive to say that there has not been enough community consultation. If there was a scintilla of truth in that, then the Labor Party would be arguing that that is exactly the reason why this should not be supported. But they know that is not the case and we know that is not the case. The community want it and that is why we are voting for it today.

The Hon. Mick Veitch also raised the issue about the potential prospect of 99-year leases. I say to the Hon. Mick Veitch and put on record that there is absolutely no intention to have leases or licences over the corridor that would require a 99-year term. As we have heard, the purpose of the Transport Administration Amendment (Closures of Railway Lines in Northern Rivers) Bill 2020 is to authorise the closure of two sections of non-operational railway lines in the Northern Rivers region of New South Wales to enable the development of the Northern Rivers Rail Trail. Those two sections are between Crabbes Creek and Condong and between Casino and Bentley. Rail trails are an innovative use of non-operational railway lines that generate substantial economic and social benefits for local communities. By helping to unlock their potential, we will enable a stimulus of local tourism and, most importantly during this COVID-affected time, the Government will provide an asset that helps to improve the physical and mental health of users.

Section 99A of the Transport Administration Act 1988 requires that before a rail infrastructure owner can close a railway line outside the greater metropolitan region, the closure must be authorised by an Act of Parliament. Closure indicates the removal of the tracks, which is a fundamental requirement to enable the repurposing of the corridor into a safe trail for pedestrians and cyclists. We talk about community consultation, but the fact that we are having this debate today because of that Act shows that the community has been listened to and their voices have been aired in this place. Accordingly, the bill seeks to authorise the closure of the non-operational line between Crabbes Creek and Condong and between Casino and Bentley to progress the development of two sections of the rail trail along the corridor, and to keep the closed corridor sections within public ownership.

I will make a few final personal remarks. As I mentioned, I moved to the Northern Rivers 5½ years ago. It was apparent to me from the moment I got there just how exciting the proposal could be. It would be a game changer for the region, which has an extraordinary diversity of environmental and natural beauty. To allow people to see that would provide a massive economic opportunity for our region and for many small business owners—exactly the sort of people the Hon. John Graham talked about. Small business owners will be able to work together to embrace the potential of this opportunity, and it will also disperse tourists across the region. Dispersal is something that some of the centres that get the most tourists are desperate for, obviously including and led by Byron Bay. It is desperate, because it wants the tourists to be spread across the region. That is literally the definition of what the Government is doing today by dispersing people with a very soft environmental footprint and allowing people to recognise and understand the extraordinary beauty of our area.

The Government is giving people the opportunity to experience something that is both physically and mentally healthy and something that will actively support local economies and local communities. I thank a few of the drivers of the idea who I have had the privilege of being personally involved with. Obviously it was led by the Northern Rivers Rail Trail Group Association, its president Pat Grier, vice-president Cameron Arnold, secretary Geoff Meers and treasurer Marie Lawton, along with a range of other key community activists who have been pushing this for many years. Obviously I cannot name them all, but some activists include the former mayor of Lismore, Jenny Dowell, one of the founders of the extraordinary Brookfarm, Martin Brook, and extraordinary local identity John Bennett. Those are people who have been committed to making this a reality.

I acknowledge the current member for Tweed for his activism and passion, along with The Nationals member for Clarence, Chris Gulaptis, who has also been committed to this every step of the way. I also acknowledge the Labor member for Lismore, Janelle Saffin. I also formally acknowledge the former member for Ballina, Don Page, who is the current chair of Regional Development Australia for Northern Rivers and who understands, as does the RDA, how critical and important the economic impact of such a project would be to the Northern Rivers and to the entire region. With those few words, I commend the bill to the House. It has taken time to get here. The community has been waiting for the day when the bill would be passed by both Chambers. I am delighted that we are on the cusp of being able to do so. It is a privilege and an honour to have been able to lead this debate on behalf of the Government.

The PRESIDENT: The question is that this bill be now read a second time, to which Ms Abigail Boyd has moved an amendment. The question is that the amendment of Ms Abigail Boyd be agreed to.

The House divided.

Ayes 10
Noes 29
Majority.....19

AYES

Banasiak	Field	Pearson
Borsak	Hurst	Roberts
Boyd (teller)	Latham	Shoebridge (teller)

AYES

Faehrmann

NOES

Amato	Harwin	Nile
Buttigieg	Houssos	Primrose
Cusack	Jackson	Searle
D'Adam	Khan	Secord
Donnelly	Maclaren-Jones (teller)	Sharpe
Fang	Mallard	Taylor
Farlow	Martin	Tudehope
Farraway (teller)	Mitchell	Veitch
Franklin	Mookhey	Ward
Graham	Moriarty	

Amendment negatived.

The PRESIDENT: The question is that this bill be now read a second time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes 30
Noes 10
Majority.....20

AYES

Amato	Harwin	Moriarty
Buttigieg	Houssos	Nile
Cusack	Jackson	Primrose
D'Adam	Khan	Searle
Donnelly	Maclaren-Jones (teller)	Secord
Fang	Mallard	Sharpe
Farlow	Martin	Taylor
Farraway (teller)	Mason-Cox	Tudehope
Franklin	Mitchell	Veitch
Graham	Mookhey	Ward

NOES

Banasiak	Field	Pearson
Borsak	Hurst	Roberts
Boyd (teller)	Latham	Shoebridge (teller)
Faehrmann		

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have one amendment: The Greens amendment No. 1 on sheet c2020-149H.

Ms ABIGAIL BOYD (17:44:09**):** I move The Greens amendment No. 1 on sheet c2020-149H:

No. 1 **Land to be Crown land for rail trails**

Pages 2 and 3, clause 3 (proposed clauses 228 (2), 229 and 230), line 22 on page 2 to line 3 on page 3. Omit all words on those lines. Insert instead—

229 Land to be dedicated as Crown land

(1) If a rail infrastructure owner closes the whole or part of a railway line under clause 228, the land is taken to be dedicated under the *Crown Land Management Act 2016* as Crown land for the purposes of recreational use as a rail trail.

(2) Tweed Shire Council is the Crown land manager of land specified in clause 228 (a) that is taken to be dedicated as Crown land under this clause.

(3) Richmond Valley Council is the Crown land manager of land specified in clause 228 (b) that is taken to be dedicated as Crown land under this clause.

(4) Land that is taken to be dedicated as Crown land under this clause must not be sold or otherwise disposed of.

(5) Railway tracks or other works must not be removed from land that is taken to be dedicated as Crown land under this clause.

(6) In this clause, ***Crown land manager*** has the same meaning as in the *Crown Land Management Act 2016*.

230 Leases and other use of dedicated Crown land

(1) Land that is taken to be dedicated as Crown land under clause 229 may be leased for recreation, tourism or community and related purposes only.

(2) Despite a provision of or under the *Crown Land Management Act 2016*, a lease, licence, permit, relevant easement or right of way must not be granted over land that is taken to be dedicated as Crown land under clause 229 for a term of more than 10 years, including any option for the grant of a further term.

(3) In this clause, ***relevant easement*** means an easement that interferes with the use of the land—

(a) as a rail trail, or

(b) for public transport.

As we heard during the debate, there are real concerns about whether the provisions in the bill as they stand will serve to protect this land and to keep it in public hands going forward—not just to keep it legally within public hands but also substantially in public hands, meaning that the public can access it and the public gets to decide what happens to the land in the future. I am imagining a scenario where a decision has been made to put some form of rail in place and it may take some time to unwind some of the rail trail infrastructure that has been put along the line. We do not want to have 99-year leases or other types of more permanent interest by private interests over this land that then prevents, deters or makes the whole process much more expensive putting the rail in place.

When we looked at the original version of the bill before it was amended in the lower House, it did not do the job well. The Labor amendments in the other place certainly strengthened it, but they still have not closed that loophole. We could still end up with the entire area—both ends of this rail trail—being completely given over to private interests. As I said in my contribution to the second reading debate, we could end up with a variety of tourist establishments across the area—a fun park, perhaps. I have been accused by my colleagues of not liking fun parks, but I love fun parks; I just do not want them on land that we might want to use as a public transport corridor in the future.

We have drafted these amendments over the past two weeks as best we could, with the advice of Parliamentary Counsel. The purpose of the amendment to section 229 is to try to tighten that up and to try to give each decision over this land, including the way in which both the rail and trail can be managed together, back to the community, putting the Tweed Shire Council and the Richmond Valley Council as the manager of Crown land that is dedicated for the purposes of recreational use as a rail trail.

With the amendment to section 230 we have tried to tighten that 99-year lease issue. We have kept the provision that came from the lower House in relation to the lease being only for certain types of purposes, but we have also said that any kind of commercial lease licence, permit, relevant easement or right of way cannot be granted over that land for a term of more than 10 years, including those options to renew. So if tomorrow—maybe not tomorrow but the day after—we get to the point where there is a particularly exciting project to put rail on that line or there is some other plan in the future to connect the Northern Rivers region to public transport properly, then it is only a 10-year lead time before that project can be put in place without any kind of financial penalty.

I think this helps, but if we had an inquiry not just into the project but also into the actual terms of the bill, I believe that we could have come up with an even better version of this. I am very disappointed that we did not have that inquiry because I believe that there is a way to balance those competing needs. I think that what we have done here improves the situation. I encourage members to take a look at this amendment and to indicate if they cannot support all of this amendment, because I would be open to hearing their amendments to the amendment. The purpose of the amendment to section 229 (5) is that we keep the railway tracks intact when we build or create this rail trail.

The Hon. BEN FRANKLIN (17:49:25**):** The Government does not support the proposed amendments. The proposed amendments, which would prevent the sale or other disposal of the land and removal of the tracks, negate "closure" of the lines within the meaning of that word in section 99A, which states under section 2:

> For the purposes of this section, a railway line is closed if the land concerned is sold or otherwise disposed of or the railway tracks and other works concerned are removed.

The proposed amendments are restrictive and prescriptive and constrain how the Government can deal with the land to give effect to the rail trail. The proposal is for the rail land to be dedicated under the Crown Land Management Act 2016 as Crown land. However, the Government has not yet decided on the most effective and supportive ownership model for the rail trail. The amendments also do not take into consideration that the existing rail tracks are in disrepair and pose safety risks and hazards for users of the rail trails. They could injure themselves if they walk on the existing track.

In addition, if the line was ever to become operational the existing tracks would need to be removed and a new line would need to be constructed. The existing tracks could not be used if the line was to become operational. Limiting the term of leases to 10 years is also restrictive. Some businesses that will support the ongoing viability of the rail trail may require a longer term to justify capital expenditure. But there is no intention to have leases or licences through the corridor that would require a 99-year term. It is for those reasons that the Government does not support the amendments.

The Hon. JOHN GRAHAM (17:51:37**):** The Opposition did have concerns in this area. However, they have been substantially addressed by the lower House amendments and we are pleased to see that. The Government has raised a number of practical objections that leave the Opposition concerned about supporting the amendment. We recognise the concerns that lie behind the approach that Ms Abigail Boyd is taking. That sort of approach would clearly be outside the spirit of either the bill or the approach that the Government has recommended. The Opposition strongly supports the concerns raised but, in the end, given the objections that the Government has raised, we do not feel that this adds to the bill.

The CHAIR (The Hon. Trevor Khan): The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. BEN FRANKLIN: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. BEN FRANKLIN: On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. BEN FRANKLIN: On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Motion agreed to.

SPORTING VENUES AUTHORITIES AMENDMENT (VENUES NSW) BILL 2020

Second Reading Speech

The Hon. NATALIE WARD (17:55:28**):** On behalf of the Hon. Bronnie Taylor: I move:

That this bill be now read a second time.

It is a great pleasure on behalf of the Government to have carriage of the Sporting Venues Authorities Amendment (Venues NSW) Bill 2020. I make a declaration to the House: I am a newly minted member of the Sydney Cricket Ground, as is my son. My pecuniary interest declaration can be checked; it was lodged with the Clerk today. I am one of 18,000 proud members of the Sydney Cricket Ground. I understand there are 500 junior members. I make that very clear because I am passionate about this issue and I wanted there to be no misapprehension about my

intentions or motivations today. There are many iconic stadia and venues in New South Wales where iconic moments have been made and it is a privilege and pleasure to play a role in the passing of this bill.

It is no surprise that I am passionate about this bill. Every sitting week I seek to move a motion about sport or women in sport or sporting venues or infrastructure for local communities. I am passionate about it, as are other members in this place. Sport represents investment, jobs, health and mental health and it is vital to communities, families, players and everyone who is involved. Anyone can kick a ball or watch someone kick a ball but it is so much more than that. I acknowledge and thank Minister Lee. I will make further comments later.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The New South Wales Government is pleased to introduce the Sporting Venues Authorities Amendment (Venues NSW) Bill 2020. The bill will bring together some of New South Wales' major sporting and entertainment venues—Sydney Cricket Ground, Sydney Football Stadium, Stadium Australia, Western Sydney Stadium, Wollongong Showground, Wollongong Entertainment Centre, Newcastle International Sports Centre, and Newcastle Entertainment Centre and Showground. This is a significant reform and has been recommended by many reviews. I am proud to be the Minister who establishes the new sport and entertainment entity for New South Wales.

Sport and major events are very important for New South Wales, as they feed our economy and boost our morale. New South Wales has a great passion for live sport and major events. We live for the thrills, the suspense, the glory and sometimes we have to live with the agonising defeats. We all love having all these major events in our own backyard. Sport is an integral part of our society in New South Wales and it is very fitting that this week we celebrate the twentieth anniversary of the Sydney 2000 Olympics. They remain the best games ever. Cast your mind back 20 years ago and we can all remember the moment that Cathy Freeman lit the cauldron. It was a great showcase for our city and our country. We also took huge pride in the achievements of our elite athletes and the army of volunteers who made it all work.

The legacy of the Olympic Games carries on today. The New South Wales Government continues to own and operate sporting and entertainment venues across the State, ensuring world- class facilities are available for athletes and the community to utilise and enjoy. We think back to the defining moments, like a key Bradman century on a hot summer's day in January, a buzzing night at the grand final or a crushing victory over the Queenslanders at State of Origin. Similarly, major events, like a concert, are so much better when you are there in person, watching your favourite stars. Our venues have hosted Cold Chisel and Elton John this year. In past years we have welcomed famous acts, including Adele, Taylor Swift, Eminem and Guns N' Roses. But our venues are not just about high- end sport or rock concerts. They have hosted major important community events, like the firefighters benefit in February 2020, which attracted more than 75,000 fans. Over 10 hours they saw 23 acts and helped raise almost $11 million for bushfire relief.

Even during COVID- 19 our venues make their contribution. For example, the caterers at Stadium Australia delivered 30,000 meals in 17 days to quarantined Australians. Our venues and the events they attract are a major source of jobs and dollars for our economy here in Sydney as well as in our regions. An estimated 3.5 million people visited our major venues in 2018- 19. These venues are a crucial part of our society, but what is the vision for them? We want them to operate for the first time as an integrated network. Attracting world- class sporting events, concerts and entertainment to New South Wales is a competition in itself. At the moment we are all competing against overseas venues and other Australian States. For the first time, we will be able to bid with one voice to attract and retain more major events. Importantly, we want our venues to work for the community and the customers. A single management team will deliver a more consistent and high- quality experience for visitors and users. This will be increasingly important as we move on from COVID- 19 and hold major events where the public can expect a safe and secure visit.

The New South Wales Government has made a significant investment in world- class facilities and venues. We have directed over $1.1 billion into our sport and entertainment venues. Highlights of this investment include the redevelopment of the 42,500- seat Sydney Football Stadium, which is on track for completion in 2022, and the new 30,000- seat Western Sydney Stadium in Parramatta, which opened in April last year. The new entity will ensure we get maximum returns with a strong, coordinated and streamlined approach to attracting events. This will put New South Wales in the best position to attract and win major events, which will provide economic benefits across the State. The new entity will work to make New South Wales the number one destination in Australia for sport and live entertainment content. The new entity will also focus on affordability and access to sport venues in New South Wales to ensure that communities in the State make the most of their Government's substantial investment in these venues.

In addition to the important work ahead of them in attracting blockbuster events and driving economic activity across the State, we want Venues NSW to facilitate the development of genuine precincts with a mix of retail, restaurants, and businesses and, where appropriate, hotels and residential development. This will encourage the venues and their surrounds to be used seven days a week, not just on game days. In turn, this will create a vibrant place for people to visit, live and work. Venues NSW will be able to develop land, including for educational, retail, business, commercial accommodation and residential uses, subject to the normal provisions of the Environmental Planning and Assessment Act. Commercial and residential accommodation will be limited to prescribed parcels. Hotel accommodation supports the attraction of major events, as spectators, sports players and entertainment acts will be able to stay close to the relevant venue. Residential accommodation can contribute to a precinct around venues that delivers a broader community character.

Finally, we want top- class governance to manage these assets and plan for the future. A single board and management team in collaboration with other key agencies, such as Destination NSW, are a key feature of this reform. For the first time, these venues will be managed and developed under the Environmental Planning and Assessment Act, so that any developments occur only when the community has had its say. I mentioned that the bill will create a new entity called Venues NSW by merging the existing Venues NSW and the Sydney Cricket and Sports Ground Trust. There is a lot of history in the agencies, particularly the trust. The Sydney Cricket Ground [SCG] was established in the 1850s by soldiers stationed at Victoria Barracks. We remember our veterans every year at the National Rugby League's ANZAC Day Cup, which is played at the SCG. We had the first cricket match under lights at the SCG in the 1930s, when a young Don Bradman took to the crease. The Sydney Football Stadium next door has a history dating back to 1899. Over the years, not just football but also speed racing, athletics and boxing matches have been held there. I acknowledge that history and its enduring legacy.

I now turn to the details of the bill. As I stated, the bill will merge the present Venues NSW and the Sydney Cricket and Sports Ground Trust into a new entity. The bill repeals the Sydney Cricket and Sports Ground Act 1978 and amends the Sporting Venues Authorities Act 2008 in order to establish the new entity. Similarly, the Government proposes to amend the Sporting Venues Authorities Regulation 2019 and repeal the Sydney Cricket Ground and Sydney Football Stadium By- law 2014. New section 3A sets out the objects of the new Venues NSW. Key elements of this new section include the following: The venues in question, both sport and entertainment, are to be managed on a commercial basis; a major objective is to attract major events into the State; and a precinct- and customer- focused approach is to be taken on Venues NSW land. This means that the venue itself is only part of the picture. We want a complete and integrated vision that includes how people get there, a full suite of services when they do, and the area to be considered as its own mini economy, with businesses, educational and other opportunities. I expect Venues NSW to work with the owners and operators of neighbouring lands. While there is a commercial aspect to the objects of the bill, this new section makes it clear that community service obligations are to be met as directed and required; that means the carrying out of activities on a non- commercial basis.

Part 3 of the bill establishes Venues NSW and sets out how it is directed and managed and what its key functions are. New section 14 sets out that the Minister exercises control and direction over Venues NSW. New section 15 establishes a board of Venues NSW. All members will be appointed by the Minister, and the board will have between nine and 11 members. This range is consistent with commercial best practice. I have already announced that, assuming the bill becomes law, Mr Tony Shepherd, AO, will chair the board and Mr Rod McGeoch, AO, will be the deputy chair. A third member of the board will be a senior New South Wales public servant, which will permit a close link to other key government programs and budgetary processes. The remaining board members will be determined in due course. Reporting to the board will be a full- time CEO. This person, as described in new section 16, will be responsible for the day- to- day operations of Venues NSW.

I described the objects of the Act earlier. New section 19, importantly, then sets out a series of functions for Venues NSW and how it will deliver on those objects. This is a significant list but I will identify certain features. First, Venues NSW has a broad remit. It exists to build, manage and improve its facilities and lands. Those facilities, in turn, have a wide range of purposes, which include sports, entertainment and recreation. This variety and versatility will support the added value we can offer when bidding for major events of all kinds. But this commercial aspect is balanced. The functions also make clear that Venues land is to be open to a broad range of uses, including for general community access. The functions recognise that it will not just be individual visitors who will use and enjoy these lands and facilities, but clubs and other associations. And the new Venues NSW is to perform any community service obligations allocated to it by the Minister. These examples go to the point I made before. These areas should not be just about bricks and mortar, surrounded by concrete carparks that become ghost towns outside of the big game days. They should be open as much as possible and used as much as possible. The areas around the actual stadia are an integral part of the overall picture.

New section 19 (1) (d) makes it clear that Venues NSW is in the business of sports training and education, and can partner with others to do so. Sport, whether it is elite or amateur, is an essential component of our community. We need to ensure that we are offering a complete set of sport services at our venues. We need to build those support skills such as sport psychology, physiotherapy and leadership. We have a great example of this in the form of a partnership between University of Technology Sydney [UTS] and the trust. UTS post-graduate students work closely with the teams at the Sydney Cricket Ground and make use of the New South Wales Government's investment in the Rugby Australia UTS building on Moore Park Road. In effect, what we have there is a mini Australian Institute of Sport. This means that the next generation of world-leading sports scientists at UTS are directly helping our sport superstars to reach new heights.

New section 19 (h) empowers Venues NSW to engage in or facilitate a very broad range of commercial activities. This is essential to create the vibrant precincts that I spoke about earlier. These commercial uses are intended to be broad and not limited to sport or entertainment. We want to have our venues embedded in precincts offering the broadest range of commercial services—think cafes, restaurants, retail, banking and professional services. This adds convenience and amenity to people visiting for matches or big shows. But it also keeps the venue precincts alive outside key times. How can a cafe survive just by selling refreshments on game day? It needs to sell seven days a week and it will be able to do so by being part of a broad-based commercial precinct. This is good for small business and for our economy.

New section 19 (1) (i) contemplates Venues NSW collaborating with agencies such as Destination NSW to attract the big acts and events. New section 19 (1) (j) allows the Minister to authorise Venues NSW to undertake, provide or facilitate residential, tourist and visitor accommodation in nominated parcels of land. This may strike some people as an odd thing for a sports and events agency to be able to do. In fact, the Sydney Cricket and Sports Ground Trust has it in its Act now, and has had for a long time—since 2006 in fact. Schedule 4A to the bill contains the descriptions of the lands that Venues NSW will own.

On commencement of the legislation, the bulk of the trust's lands will be held as scheduled lands under part 1 of schedule 4A to the bill. The lands the trust presently holds in its schedules 2A and 2B lands will be transferred into part 2 and part 3 respectively. These are the lands where the trust can currently build hotels or residences. Venues NSW lands will be moved into part 4. New section 19 (1) (j) can be used to designate additional lands to be able to be used for hotel or residential development. However, let me be clear: A Minister for Sport cannot just send in the bulldozers after designating land under new section 19 (1) (j). This is because, going forward, Venues NSW in all its developments will be subject to the operation of the Environmental Protection and Assessment Act.

The Government recognises the need to achieve a balance between a broad commercial development capability and the broader interest. The bill will in fact remove an anomaly. The present section 16A of the Sydney Cricket and Sports Ground Trust Act allows a Minister of Sport, having consulted the planning Minister, to bypass the normal operation of the Environmental Protection and Assessment Act. But we will be removing and replacing it with an amendment to the State Environmental Planning Policy (Infrastructure) [ISEPP]. This will be developed following commencement of the Act and will set out the usual tiered structure. This will enable low-level development to be authorised with minimal process—for instance, renovations to a set of turnstiles or putting in some vehicle bollards. But large-scale development, such as a hotel, will need the full zoning and public consultation process.

New section 16A will be preserved for up to 12 months. The bill recreates it at new section 30AD of division 28, which replicates its effect. This is in case any minor works are required while the new ISEPP is produced. We need to make sure that we have a rapid approval process for urgent minor works. So the balance is drawn: Any new development will be subject to the Environmental Protection and Assessment Act. This policy is made clear in new section 30AI, which sets out that tourist or visitor accommodation or residential accommodation may occur only in controlled or designated lands. The mechanism to place lands in either of these categories is new section 19 (1) (j) and new section 30AJ.

Finally, new section 19 (1) (k) requires that all reasonable attempts are made to ensure any new development accords with best-practice environmental and planning standards. Moving to other new sections, division 2A deals with Crown land management. The trust currently operates as a Crown land manager for its lands, and this division continues that land status and role. Much of the existing Venues NSW land is freehold. The bill will preserve this current mix. However, an issue for Venues NSW will clearly be to consider the optimum land tenure regime. Part 3A of the Act provides for advisory committees to be set up by Venues NSW to provide advice to Venues NSW or the Minister, or to enable Venues NSW to exercise its functions. I wish, however, to note that new section 21D (1) will itself establish two membership advisory committees, the first of which relates to current SCG members and the other to the current Stadium Australia Club membership program. Clearly, the members of both these programs are interested to know what this merger means for them. I emphasise that the merger will not change their existing membership status or rights.

The two membership advisory committees are established as vehicles for ongoing consultation between the two memberships and the new Venues NSW and its board. In the case of Stadium Australia Club, since this is a formally established company it will continue with its existing company governance structures completely unchanged. The relevant statutory advisory committee is simply a formal channel for that company to liaise with Venues NSW and its board. In the case of SCG members, as they are not in a company, they will be able to elect two members to be on the SCG membership advisory committee. This is further detailed procedurally in schedule 3 to the bill. New section 21D (4) allows either or both of these membership advisory committees to be dissolved at a future time. This recognises that over time the new Venues NSW may evolve a new membership concept that will render the need for separate membership advisory committees obsolete. That will be a matter for the agency.

I turn now to the schedules to the bill. Schedule 1 to the bill provides for a set of constitutional and procedural rules that will govern Venues NSW. Most of these are standard provisions found in many Acts; however, I will note some of them. Part 2 (2) sets out that the board members hold office for a maximum term appointment of three years. Successive appointments may be made, but the maximum consecutive period of service will be nine years. Remuneration for board members—with the exception of a public service member, who is not remunerated—is set pursuant to clause 4. This has the effect that the remuneration is calculated by reference to the Government's general policy for boards and committees classification and remuneration.

Schedule 2 to the bill sets out the various provisions relating to the chief executive of Venues NSW. Clause 1 provides that a CEO is appointed for a maximum term of five years and may be reappointed to a maximum consecutive period of 10 years. The bill establishes a new schedule 5, part 6 to the Act. Division 2 also sets out some arrangements relating to the dissolution of the trust and the old Venues NSW. Both entities are dissolved, and the new Venues NSW is automatically stood up upon the commencement of the Act. At this time, the board members of the former trust and Venues NSW cease to hold office pursuant to division 3. However, new section 25 subsections (4) and (5) provide that a member of either the trust or old Venues NSW board who is not appointed to the board of the new Venues NSW may be appointed, if they wish, to the relevant membership advisory committee for what would have been the balance of the term of their original appointment. This gives them the opportunity to give their expertise and historical knowledge if they wish.

Division 4 of the bill provides that all assets, rights and liabilities of the former trust and Venues NSW will be transferred into the new Venues NSW. This means that a supply contract a company has with one of these entities is preserved without the need for novation. Division 5 of the bill preserves the existing licences that the old Venues NSW and the trust hold—for instance, liquor and security licences. This ensures normal business operations will roll straight over into the new Venues NSW on day one.

I turn now to the important issue of the staff of the two existing agencies, Venues NSW and the Sydney Cricket and Sports Ground Trust. This is a big change for them and I want them to understand the arrangements to apply should this bill be enacted. Firstly, as I said, part 6, division 2 will on commencement dissolve the trust and the old Venues NSW and immediately create the new Venues NSW. The new Venues NSW will not be an employment entity under the Government Sector Employment Act 2013, or GSE Act. The Government intends that it operates on a commercial basis; that is provided by clause 17 (2) of the bill. Part 6, division 6 further provides that, on commencement, all staff of both agencies will move automatically into the new Venues NSW. Clause 36 provides for how the existing rights of the staff transferred in—either from the trust or the current Venues NSW—will be protected on day one. It provides that their superannuation arrangements are preserved; leave balances and entitlements are preserved; continuity of service is maintained, including recognition of prior service; and that conditions of employment in their industrial instruments at the time of transfer are carried forward, including remuneration.

On day one a new staff member will have the same superannuation, leave and employment conditions as they had before. It will then be for the new chief executive, who will be appointed on day one, to determine the optimum staffing structure and the process of negotiating any new contracts of employment. My officials have already met with union representatives and outlined this transition process and we will keep the union representatives and staff informed as matters progress, including following commencement. There will be no process of job assessment or matching until the Act commences and the staffing structure is settled. I stress that normal government policies regarding change management will be followed.

The bill has been developed in close consultation with the interim advisory board, which includes longstanding members of the current trust and Venues NSW boards. They include Mr Tony Shepherd, AO; Mr Ian Hammond; Mr Rod McGeoch, AO; Ms Christine McLoughlin; Mr Alan Jones, AO; and Mr John Quayle. I acknowledge the outstanding work of the interim advisory board and thank them for their input. I also thank the Sydney Cricket and Sports Ground Trust and Venues NSW for their collaborative approach in delivering this new entity. I further thank the Office of Sport, the Department of Premier and Cabinet, NSW Treasury and my staff who have been involved throughout this process. As an effective working party, we have delivered this reform to an ambitious but necessary timetable in the interests of the people of New South Wales. I commend the bill to the House.

Second Reading Debate

The Hon. JOHN GRAHAM (17:57:46**):** I lead for the Opposition in this Chamber on the Sporting Venues Authorities Amendment (Venues NSW) Bill 2020. I acknowledge that we are joined in the gallery of the Chamber by the shadow Minister, Lynda Voltz.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): Ms Lynda Voltz is a former member of this Chamber. Welcome back.

The Hon. JOHN GRAHAM: The member has had carriage for the Opposition overall and has provided firm guidance on the details. The Opposition will be moving amendments to the bill. Our support of the bill is dependent on the outcome of those amendments. Part of the reason for that is we have real concerns about trusts, the way they are dealt with by this Government, and particularly the use of public land and its protections. If it were the case that the Government walked into the Chamber and simply said, "We want to put the Sydney Cricket and Sports Ground Trust into the sporting venues bill", that would have been an acceptable approach for the Opposition. That was the expectation as the bill was advanced and we would have supported that. That is not what has occurred. The Government has gone further. Our position is that unless the bill is amended, the Opposition is unable to support the bill in its current form. We will move those amendments and I am hopeful that a number of them will be adopted.

Venues NSW and the idea of having venue-neutral legislation goes back to 2008, at a time when Labor was in government. At that time Parramatta Stadium, as it was then known, Wollongong and Newcastle were all put into a venue structure. Originally the Sydney Cricket and Sports Ground Trust would have also been part of that structure. The argument made at the time was that with Sydney Olympic Park Stadium—ANZ Stadium as it is known to many people—operating as a sole entity, it was an uneven playing field if the Sydney Cricket and Sports Ground Trust was required to go to Venues NSW. Therefore, it was not included in the original piece of legislation. Fast forwarding, though, we had the set of Brogden report recommendations and we saw the Government spend $200 million of taxpayer money buying out the lease of Stadium Australia with a plan to redevelop it. That was the original purpose for that $200 million of public expenditure.

When legislation was introduced to put Stadium Australia into the Venues NSW structure, once again the Sydney Cricket Ground [SCG] trust was not included despite the fact that it had been a central recommendation of the Brogden report; it was one of the strongest recommendations in the report. When it came to action, that did not follow. I do not want to relive the stadium wars in this debate and I am certain that the Government members do not want to. I put on the record that the truth at that time was that former Premier Mike Baird and the Opposition had a unity ticket at that time that Stadium Australia should have been redeveloped. There was good reason for that and I put that on the record. If the Government was going to invest a large bulk money into stadiums then it should do so in the largest rectangular stadium in Sydney. It is about attracting the large events, which drive the events market. That was the key driver from the point of view of both the Opposition and the former Premier, who argued that case strongly at the time.

In its wisdom the Government decided to not put the SCG trust into Venues NSW, which had significant implications for Stadium Australia, and the rest is history. Now we are left with Venues NSW but no redevelopment of that significant stadium. In our view, we are simply not competing with Brisbane now, which has the largest rectangular stadium, for the big events in the events market. We are not competing with Melbourne, which can seat 100,000 people at the Melbourne Cricket Ground. We are not a significant part of the events market as a result of where we have got to. Turning to the bill, the Opposition supports the principle of moving to a single structure. If the bill did that, we would support it. But it does not. The fundamental objection we have is that our trusts are important.

They are decided by legislation enacted by this Parliament and are there to protect lands across New South Wales that are fundamentally important to the public. That has been a longstanding view of our party. It has been true for the time we have been in this Parliament—around 130 years—and it is more true today as a result of the year that we have had after people have experienced the pandemic and the need to be outside valuing our public land. That sense of the importance of open, public space is stronger now than it has been, I believe, for decades. The party's longstanding view holds more strongly at the moment as we debate the bill. Some of those trusts are sporting precincts—including Parramatta stadium, the Sydney Cricket Ground, and Wollongong and Newcastle stadiums—and some of them are parklands, such as Centennial Parklands, Moore Park, Callan Park, Parramatta Park and the Western Sydney Parklands. The legislation protects those parklands from being sliced and diced by successive governments, and over the years those protections have been important.

The concern with the bill, which has been outlined by my colleague in the other place, is that the Government has found a backdoor way to re-excise parts of those lands. At the moment the Government cannot use those lands for residential or hotel developments unless they are designated or controlled lands within the Act. If it wants to change any Venues NSW scheduled lands for residential or hotel development, it needs to come back to the Parliament. That is a fundamental protection against large swathes of these precincts and parks being excised. It leaves the Parliament to decide for future generations whether those lands are protected.

My colleague in the other place has strongly put the view that this Government has a terrible record of protecting land. She has outlined a number of cases where that is the case: the light rail in Parramatta, where a number of Moreton Bay fig trees in Robin Thomas Reserve were impacted; and the light rail in the city on Centennial Park and Moore Park lands, where more Moreton Bay fig trees hit the chopping block. These are views

that have already been put on the record by the Opposition in the other place. That is the central concern: Every time there is some land use problem and the Government wants to develop some part of Sydney or New South Wales, these parklands pay the price. This bill, in the Opposition's view, will allow the Minister of the day to decide, with the stroke of a pen, whether scheduled lands in Newcastle or Wollongong, at the Sydney Cricket Ground or at Parramatta are designated or controlled lands and whether the Government can put residential or hotel developments on them. I quote my colleague:

> If someone has a case for development, they should bring the people with them, come back to the Parliament and let it pass the pub test.

That is the rule that the Opposition is applying to this bill. Fundamentally, it is a reasonable proposition that the test that has stood these venues and parklands in good stead in the past should continue to apply. Some of these precincts are large sporting and recreation holdings. Over the past four years, for example, the Opposition has called for a master plan for the Newcastle precinct and we simply have not seen it. The Opposition has made requests under the Government Information (Public Access) Act for the master plan; it has not appeared. It is a huge piece of land that should be set aside as a sporting precinct. I know that is the view of the local member.

At the end of the day, this Parliament and the community may accept that the Government needs to allow some development there to fund the upgrades, but that discussion should be conducted with a safety net in place and with real protections in place so that the community can have assurance. They do not know what this Minister may come up with. They do not know what a future government may come up with. The local communities have concerns. They would like to engage in that discussion. It may well result in development, but that should be done with the safety net that has been in place previously. Unless there is a requirement for the Government to come back to the Parliament, the Minister has the right, by order, to change the designation of controlled or scheduled lands.

The other objectionable part of the bill, in the Opposition's view, is schedule 2, which deals with Sydney Olympic Park. Under the current Sporting Venues Authorities Act, the Government can transfer any land it wants to Venues NSW. If it wanted Moore Park, it could transfer that across. If it wanted pieces of land, it could transfer them across. The Opposition sees no reason to include in this piece of legislation a schedule to amend the Sydney Olympic Park Authority Act 2001 to enable the governor, by written order, to transfer assets, rights and liabilities from the Sydney Olympic Park Authority to another public sector agency. That is the crucial distinction: not just to Venues NSW, but to another public sector agency. It is not just about the assets of the Sydney Olympic Park Authority; it is also about the head lease agreements of the Sydney Olympic Park Authority. I refer to the comments of my colleague in the other place, who went into some detail about the implications of that.

The Opposition places on record its concerns about what that amendment allows the Government to do. The Government has already sacked the board of the Sydney Olympic Park Authority, despite what the Act tells it to do—just as it did with the Western Sydney Parklands. That is the state of things as this legislation comes before the House, and that underlines the concerns of the Opposition. The Opposition is concerned that the issues in relation to Sydney Olympic Park Authority should be dealt with in the Parliament, but that is not the approach of the Government. Slice by slice and bit by bit, the authority's board and CEO have gone. This authority reportedly is now sitting and planning with a part-time person operating as the CEO. Its assets are now coming under scrutiny and, in our view, under attack. We object to that approach.

Those who think there is some kind of protection in existing legislation for our parkland trusts should look to what the Government is doing to the Sydney Olympic Park Authority. Those actions underlie the Opposition's concerns. The Government is not saying which venues it wants to hand over to Venues NSW and it is undermining the processes of this Parliament in doing so. Once a piece of land or facilities are lost, they are lost for good. Every time a piece of land is used for infrastructure, we do not get it back. It is so rare to be able to add to the open public space in our city. There are examples over the decades but they are very rare and unusual. It is far more common to lose land for good. As to the remainder of the bill, some provisions require amending. I note that the Legislative Assembly agreed to regional advisory boards.

However, the question of board representation for Wollongong and the Hunter remains unresolved. They are two of our most important cities. Unbelievably, they do not yet receive funding through the Greater Sydney Sports Facility Fund or the Regional Growth Fund. That will certainly be the subject of the work of this House through the Public Accountability Committee. We have received significant representations for projects in these two cities—two of the biggest in the State—which cannot even get to the starting gate given the way the funds are structured. We think they deserve a seat at the table on the board of Venues NSW. That is one of the measures that we can implement, given the approach the Government has taken to those two cities.

The Opposition also has concerns about employment. I join with my colleague in placing on record the Opposition's request that the Government retain government sector employment conditions, which this bill is

trying to remove. The Government is essentially asking that none of the Venues NSW employees be government sector employees. Our view is that either they work for a government agency or they do not. The fact that they work for a government agency should therefore be included within the provisions of the bill. We have raised concerns in the other place about the composition of the board. I echo those concerns. We want those concerns addressed by the Government and we will be moving amendments to that effect. I commend the Opposition's view on this legislation to the House. We are hopeful that this bill will be improved and passed but we await the Committee stage of the debate.

The Hon. MARK LATHAM (18:13:23**):** I make a contribution on behalf of One Nation to the Sporting Venues Authorities Amendment (Venues NSW) Bill 2020. I appreciate the opportunity to speak to the debate on this very important bill. One Nation is supporting the bill with amendments. We support the principle of an integrated, more entrepreneurial approach to the management of these venues in New South Wales. I congratulate Minister Geoff Lee on taking this initiative. It is a major and important reform and, hopefully, places the venues on a more sustainable financial footing into the future. The reform also opens up various opportunities for capital works development to improve these facilities. Many of them are an entrenched part of the sporting fabric and history of our State, and also the entertainment industries that have used them. The Olympic facilities speak for themselves. The Sydney Cricket Ground [SCG] has been sacred ground for so many sporting fans over such a long period.

But the real opportunities for facility improvement, master planning and integration are at Newcastle, where it is fair to say that the opportunities of that vast holding of land have been ignored by both sides of politics for way too long. There is the opportunity for a hotel development and to raise funds for other improvements at the main football stadium and other associated facilities. I recognise in the recent Federal budget the decision to fully fund the Newcastle bypass, which will open up $190 million of State funding that was allocated to that road. Hopefully, that money stays in the Hunter and will be seed funding. I hope the good Minister can grab hold of it for the benefit of the Newcastle sports precinct.

My main contribution in this speech and also during the Committee of the Whole will be about recognising the unique heritage value of the SCG. It is true to say that the bill brings six facilities under the coverage of a new board and new administration, but there is no recognition of the unique role of the SCG. We need to ensure through amendment that that is recognised. I foreshadow that I will be advocating to write into the bill a new advisory committee to work on the important heritage and historical values of the SCG. That will be a lasting record of the importance of the ground and the significance of the Sydney Cricket and Sports Ground Trust over a long period and will make sure that, as we go to integration, the SCG is not reduced to the status of just another sporting field. The SCG needs to be so much more than that in the history of sporting endeavour in New South Wales.

I pay tribute to a number of historians of the ground who have helped me to prepare this recognition of the significance of that facility. The story began in 1851 with the ambition of Colonel Bloomfield, commanding officer of the Northern Devonshire Regiment stationed at Victoria Barracks. The ground was variously known as the Garrison Ground, the Military and Civil Ground, and the Association Ground before it became the Sydney Cricket Ground in 1894. For the purpose of this argument, I will refer to it as the SCG throughout my contribution. Cricket was played in Sydney within days of the arrival of European settlers. Serious cricket was played on proper wickets and level fields at The Domain and Hyde Park. Colonel Bloomfield wanted a ground of such quality that the best of England could and would come to the colony to play cricket of the highest standard. Existing grounds, particularly at The Domain, were not deemed to be satisfactory.

The ground developed over time, mainly under the guidance of the SCG trust as it evolved. The trustees received no money from the New South Wales Government—in fact, until the Olympic Games of 2000. The Government gave a seeding grant of £500 to the SCG in the 1970s and nothing thereafter until 2001. All the development of facilities and hosting of sporting codes occurred mainly through the good management of the trustees. Obviously there were gate takings and some borrowings, but it was not a draw on the recurrent budget of the New South Wales Government either after Federation or in colonial times. The SCG, the SCG No. 2, Sydney Sports Ground and the Sydney Football Stadium were developed and maintained from funds raised by membership subscriptions, venue hire, staging events and through smart, effective management.

The SCG was administered by the military until 1875, when the then Minister for Lands appointed three trustees—some of these names will be known to users of the ground—Richard Driver, MLA, Philip Sheridan and William Wilberforce Stephen, the Under Secretary of Lands. Each was a cricketer of some prowess and each was involved in the administration of the game they loved. The SCG trust, in fact, came into formal existence at the first meeting of the amalgamated Sydney Cricket and Sports Ground Trust in 1952. Doc Evatt, a great figure in Labor history, originally was elected by the members in 1940—a great year for him—and moved that the group continue to be known as the "trustees of the Sydney Cricket Ground".

His motion was defeated and the term "trust" became official. Evatt, along with many other political and public service figures, became very important in the ongoing management of the SCG. The modest pavilion inherited from the military way back in the nineteenth century was good enough for what the ground had been, but not good enough for what Driver and Sheridan intended. No building was ever going to be more important than a pavilion for the members. That is why, once the kerfuffle over the right of the trustees to charge for admission was quietened, a members' pavilion was the first major project. It is now one of the great heritage features of the Sydney sporting landscape. A second and more majestic pavilion was constructed in 1886, the one that stands today. A pavilion was planned that would be a glory of architecture and a delight to spend a day inside. After the Great War and the pandemic that followed, 100 years ago, the trustees enjoyed fabulous gates for cricket and rugby league.

The cycling track was demolished and the extra space was split evenly between the playing field and spectator accommodation. Such were the revenues that the trustees embarked upon a new grandstand far bigger than anything preceding, paid for out of term deposits and the cash flow. It was named after Monty Noble, the famous cricketer. Physical changes were minimal until the early 1970s, when the Bradman Stand was erected on the Paddington Hill. In the 1970s and 1980s, the Brewongle Stand, the Sheridan Stand and the famous Bob Stand were demolished for modern stands. The Bob Stand was known that way because in the Great Depression they charged one shilling—a bob—for entry to that grand old stand. I believe these days it stands relocated at the North Sydney Oval. To be appointed a trustee was keenly sought. In the span of 145 years 162 trustees have been appointed—not many at all, given that the number of trustees reached 15.

That number includes eight Premiers, including William McKell, who went on to be Governor-General of Australia; two Prime Ministers; five party leaders; Ministers including former Minister Rodney Cavalier, who served with distinction for many years and was well known to many in the Chamber; a few backbenchers; 12 test cricketers; several internationals in league and union; Olympic swimmers; and sports administrators. They have been prominent until more recent times. The trustees were elected as of the 1920s. Monty Noble won the election against a host of candidates. After Noble's death, Doc Evatt was elected unopposed. Evatt had formed an SCG members' association as a leading King's Counsel, and then as a High Court judge he was a powerful advocate for the membership rights. When Evatt was appointed a trustee in his own right in 1947 he was succeeded as the members' representative by Jack Gregory, the wonderful all-rounder of the 1920s, who formed that lethal fast bowling combination with Ted McDonald. Jack Gregory was the nephew of Ned and Dave Gregory—themselves very distinguished cricketers.

The elected position eventually fell into abeyance until it was revived by the Wran Government in 1980. To say the words "Sydney Cricket Ground" means something noble. To be a trustee of the SCG was an honour sought by many on both sides of politics and, in most cases, justly awarded. To be a trustee of the SCG required no explanation beyond those words. We hope that the new board of Venues NSW can carry on this very fine tradition. I am providing this history to the Chamber because it is a moment in history in this legislation to be abolishing the SCG Trust. My amendment is to at least acknowledge in another format its historical role and to give recognition to an advisory committee that will carry on the functions of heritage recognition and historical promotion. It will make sure that we all feel warm and welcomed at the SCG and feel that vibe—that wonderful emotion—of walking into the ground and understanding its amazing history.

The SCG is significant in heritage and cultural terms in Sydney and across the nation and the world. Since its first game so long ago, the SCG has played a special role in Australia's cultural and political history. It is an internationally recognised landmark and has retained a good deal of its original fabric, particularly in the Members' Stand and the Ladies pavilion. Its museum is a repository—a sporting collection beyond price. In mentioning the cultural and political history of the ground, I want to provide a few of my own very fond reflections about attendance there. One of the honourable members is gesturing there by bending his elbow. I was a very keen fan on the hill.

As I delve into these matters of history, I can tell the House I was there on the very first occasion of a day-night cricket game, on 28 November 1978. I am giving my age away now, but we had just finished the HSC. Imagine our excitement, trucking in from Liverpool on the train to go to the ground for day-night cricket. That you could play cricket at night with a white ball was a new wonder that defied understanding. My good friend Peter Wick and I came in from Liverpool and walked up Foveaux Street, up the hill. We had mates coming in who were all celebrating the HSC being completed. We were the first ones into the ground, going through the gates to get to the hill with a garbage tin we had purchased that was full of ice and beer. It was not light beer or beer in a plastic cup; it was beer in a metal can. We heard the next day—we were not responsible for this—that others who had done that enjoyed themselves too much on the hill that famous night and caused some havoc in Surry Hills. The garbage cans full of beer were banned forever, and then the wowsers set in and you had to have plastic cups and light beer. We drank responsibly that night and really enjoyed ourselves.

For all the great debate about World Series Cricket, it was an amazing occasion, and not just for the spectacle of night cricket. The great Australian team—Lillee took 4/13, I think it was, off his allotted overs. The West Indies batted first and he bowled the great Viv Richards second ball for a duck. Just as I suppose 50 years earlier fans had flocked to that ground just to watch Bradman, we had essentially come that night to watch Richards. He captured our imagination beyond belief. What a stroke player! What a cavalier maestro with the cricket bat. Kerry Packer was shocked that 50,000 would turn up at the ground, and it made the whole enterprise worthwhile for him, but there were essentially no rules that night. In the innings break we decided we would jump the fence from the hill and walk straight across the playing surface past the wicket—we did not walk on the sacred wicket; there were no security guards there—and over to the Members' Stand, where we hailed down Viv Richards by saying, "Viv! Viv! Come down! We love you, Viv!" The great man actually came down to the fence to talk to these 17-year-old larrikins from Liverpool. We said, "Viv, what's happening, man? You got out second ball. We're devastated." He said, "Oh, Dennis Lillee, man. He was too good tonight. But I'll do it next time."

What a golden moment it was. It was absolutely amazing. Australia won on the night and there were raucous scenes—I cannot go into too much detail. Rodney Cavalier has encouraged me to write a history of that night where I explain the blockages in the toilets under the old scoreboard and what happened as they malfunctioned, and how patrons needed to use that facility in a very unique way. I will not recount that here in the Legislative Council; I will save that for the official history of 28 November 1978. It was an amazing occasion. I love the SCG for that. Quite frankly, I was a very enthusiastic fan of watching from the hill right through until just before I became Leader of the Federal Opposition, when I thought I could not do any of that anymore. Even before the advent of mobile phones as cameras I ruled it off in about 2003. I was always saddened that we lost the hill. I know it was done for reasons of public order, but it was a uniquely working-class cultural place. Back in the day it was for families—you could see the guys in their suits and hats back in the period between the wars. It obviously got a bit looser over the years on the hill, but it was a unique experience.

I have always thought—it is a point of disagreement with Rodney Cavalier—that in building the new stand it should have been the Doug Walters Stand, rather than named for Victor Trumper. Perhaps if they had named the Noble stand for Trumper we could have had the Dougie Walters stand. Members might think I am an old codger—I am getting older—but obviously I never saw Bradman play; that is unthinkable, as I was not even born when he played. But they speak of the public affection and emotion for Bradman, that grown men would weep and that women—a lot of women watched cricket in the Bradman era—were spellbound by him. In the 1970s our version was Dougie Walters, who seemed to play the game to capture the quintessential Australian spirit: a larrikin, a drinker, a punter, a smoker. He never had the bat perfectly straight. He was a stroke-player, cavalier, almost carefree—a country boy from Dungog. We loved Dougie and always cheered for him—and Lillee, of course—and I always regret that we could not find the room to name an official Walters stand at the ground.

I will throw in another aspect of the amazing history. I have been called to the task by many of those who love the SCG the way I do, but from the other side of the ground in the Members Pavilion. They point out that Don Bradman's dad, George Bradman, was part of the construction of the cycle track. We have to understand that while we think of the Sydney Cricket Ground as for the rugby league and as the place where the Swans play their AFL games, back at the turn of that century it was a multipurpose sports facility for all of Sydney. It had athletics, it had highland games and it had all sorts of celebrations. Donald Bradman was named Donald George Bradman and his dad, George Bradman, was part of the construction of the cycle track. He put up the lights that allowed for the night-time cycling at the ground.

I will make one correction of generosity with the sports Minister who, in his second reading speech in the other place, said that Don Bradman played under lights at the SCG in the 1930s. The truth is that when Bradman returned from England in 1930 from an absolutely amazing, triumphant tour of England, where he announced himself as the world's greatest player, there was a celebration in the precinct, but it was at the sportsground next door where there was lighting because it ran the motorcar racing around the speedway. Bradman gathered there with many thousands of people who came to meet the great young man and he played cricket games—the Hon. Natalie Ward will appreciate this—mostly with women. The beginning of a higher profile of women's cricket came when The Don played makeshift games under the lights at the sportsground with the female fans. His dad contributed to the cycle track next door, which was always a wonderful feature.

I could give a full history of other memories, such as my first time at the ground in front of the old Brewongle, sitting on the concrete with my dad watching Australia versus the Rest of the World XI. In Australia's second innings, Stackpole got 95 runs, Ian Chappell scored 119 and Greg Chappell scored 197. They put them to the sword that day. One of the most remarkable events to watch was the Test in 1976 when Jeff Thompson took six wickets for 50 runs in the second innings to clean up the West Indies. At that stage I was a 15-year-old who thought that maybe I could bat, but when I stood side-on in the Bob Stand and watched Jeff Thompson, I realised I could not see the ball, which was a fascinating experience. Those were great times. There were also the rugby

league test matches and other games, including the wonderful St George Dragons, before the Illawarra merger. The Hon. Don Harwin had a grandfather—

The Hon. Don Harwin: My grandfather was the trainer of their first grade team during the fifties and sixties.

The Hon. MARK LATHAM: His grandfather was the trainer of the team. The St George Dragons were the premiership team from 1956 to 1966—never to be repeated ever again. That was an amazing sequence of grand final victories with the great Sticks Provan. In the 1965 grand final against Souths 78,000 people went to watch Provan's last game. Spectators were up in the stairwells and on the roofs of the old stands. It was a remarkable scene. I heard Michael Cleary, a former member of the other place, talk about it recently. What an incredible day. Then we remember the larrikins. I have mentioned that we need the naming of a Doug Walters stand. At least we have the statue of Yabba. The great barracker Yabba captures the working-class culture. One day, as an English batsman was adjusting his protector, Yabba yelled out:

> Those are the only balls you've touched all day!

To the hated Douglas Jardine, he said:

> Leave our flies alone, Jardine. They're the only friends you've got here.

Of course, there were other great scenes and comments from the wonderful Yabba. There is real affection and emotion for me. Rodney Cavalier himself described the SCG as a sacred site, as our secular cathedral of cricket, and over the years it has meant so much more. Every significant major sport in Sydney has used that ground. I pay homage and respect to those at the SCG trust who managed it so well over such a long period of time. I pay recognition to all those who have used the ground and who have enjoyed it. I hope that under Venues NSW the SCG will have a wonderful future for many centuries to come. Once the bill is amended it will capture that history. The bill carries us forward to a very new era of sports and major venue management. I hope the efficiencies and the entrepreneurial capacity is there without running down the essential facilities or using lands that cannot really be commercialised.

I also thank the shadow Minister for Sport and Recreation, the member for Auburn, who is present in the lobby of this Chamber. She has developed amendments that I consider to be important. I mentioned my love of the St George-Illawarra Dragons and the Leader of the Government mentioned his grandfather. There is another sacred site for us and that is Wollongong's WIN Stadium, which at the moment is not as distinguished as the 1956-66 period. Dragon supporters cannot always live on memories but we can always live in hope of turning things around next year with our new coach, Anthony "Hook" Griffin. Lynda Voltz recognised that the No. 2 Oval is on a very limited site, with the WIN Entertainment Centre and the WIN Stadium to the north, and that the No. 2 Oval, which the Dragons trained on today, cannot be commercialised in any sense. If people have plans to construct a hotel or a residential building, that cannot happen.

I will support the amendments circulated by the member for Auburn to ensure that the Dragons are looked after in Wollongong. I hope we can have great success in Newcastle in developing that facility. I pay tribute to the member for Newcastle, Tim Crakanthorp, who has good plans. I hope he can play an advisory role along with other outstanding people in the Hunter, such as John Quayle. Even a new would-be resident who is going to Newcastle might get a crack. The Minister is shaking his head. Shall I reconsider my position on the bill? Shall we negotiate this across the floor? All those things are in the future. For now, I thank the Minister, the shadow Minister and the House for its indulgence and for listening to my account of the history of the wonderful ground. I hope it does well for the future.

The Hon. NATALIE WARD (18:36:33**):** On behalf of the Hon. Bronnie Taylor: In reply: I thank honourable members who contributed to debate on the Sporting Venues Authorities Amendment Bill 2020. I was trying to resist leaping into a whole lot of stories, but it is a delight to have heard some contributions that reflected on iconic grounds, particularly after a long week and where we are. I thank the Minister for Skills and Tertiary Education for introducing the Sporting Venues Authorities Amendment (Venues NSW) Bill 2020 and for finally implementing measures that are not easy and that constitute a very large reform. I thank him for his excellent work and diligence. I commend him for his work on this very important matter.

I declared at the outset of the debate that I am a member of the Sydney Cricket Ground [SCG], as is my son. We are very excited to be newly minted members. We are, of course, very proud to join such an iconic entity. We look forward to being part of the membership. I thank the Hon. John Graham, who led for the Opposition in the debate. His concerns about residential and hotel development, composition of the board and employment opportunities will be fully contested during the Committee stage. I thank the Hon. Mark Latham for his contribution to the debate. I thought it was a fantastic summary of the unique heritage of the SCG and the history

of the building, the revenue, the grandstands and how much of that came about. I encourage him to write the book. The Noble Stand, the Bradman Stand and the Brewongle Stand are a work in progress.

The Hon. Mark Latham talked about cricket at night. I was pleased to hear that he was so diligent. He stepped up and took the task to hand. He made sure that he was committed and stayed throughout the night. I would say that it is probably early days of the night-time economy. I am pleased that he recognised other sports but cricket is the iconic one for the SCG. I recall in particular the evolution of the game and the great outrage that was one-day cricket. At one stage that was an amazing thing.

The Hon. Matthew Mason-Cox: How dare they!

The Hon. NATALIE WARD: How dare they wear colours. That is pyjama cricket! My husband, David Begg, is a sports tragic. He is a fan of unlimited overs cricket, so not one day, not five days, just unlimited overs—they just keep playing. I asked how unlimited overs crickets ends and he said, "Does it need to end?" I loved the stories from Hon. Mark Latham about the hill and the iconic stands. It is a ground that has evolved and is continuing to evolve. The Minister, his team and the Office of Sport are continuing to evolve these iconic venues and leagues so that the next generation of sport lovers will be able to enjoy them. We will be able to pitch for world-class events because of the Minister's reforms.

On a personal note, we all have stories about the SCG and know it has such a history. It is a wonderful thing that in Australia we cling onto the stories, and being a little bit naughty occasionally is okay. Hanging out with your mates or being on the hill until the wee hours watching a game is restorative. It brings the country together and is about national pride, which is a very good thing. I may use parliamentary privilege to confess that one summer lunchtime I did sneak out of my office, changed out of my suit and into my casual clothes and went and watched a game. I snuck back into the office a couple of hours later and made up the time, of course, but there was a great test on that day that I was delighted to sneak out for.

In particular, I acknowledge the Hon. Mark Latham's comments about women in sport because I am passionate about women in sport and women's cricket—they have been phenomenal. They deserve to have world-class grounds with women's change rooms. The work that this Government is doing to modernise our venues and grounds is to be commended because they are absolutely smashing it. I acknowledge a good friend of mine, Andrea Brown**,** who is an SCG member. The first time I ever went to the SCG in summer, she took me along as her guest. We sat down and had a chance to catch up. There is a unique thing about women together at a game that is quite different from men at a game. Men might sit on a hill and drink tinnies.

When you are watching a game with a group of people, you can be talking about something and then suddenly stop because something has happened in the game, which is interesting and unique. It is this amazing thing people can shift in and out of, but women do it slightly differently. We talk about fashion and a sale down at Paddington and then, "Oh, a six? That is very nice. Anyway, I saw this great dress last week." I acknowledge that her membership inspired me to become a member. Women's commentary and participation are very important. It is important to point out the history and gravitas of the SCG will not be lost. I have approached the Minister directly about this issue. He has assured me that the gravitas, history and legacy of the SCG Trust will be preserved, honoured and respected. I place this on the record because the Minister has been very clear about it. Members will make further contributions on the specifics of the concerns in the Committee stage. I thank honourable members for their contributions.

The DEPUTY PRESIDENT (The Hon. Shayne Mallard): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. There are two sets of amendments. The first set is the One Nation amendments appearing on sheet 42. The second set is the Opposition amendments appearing on sheet c2020-144D.

The Hon. JOHN GRAHAM (18:45:17**):** I move Opposition amendment No. 1 on sheet c2020-144D:

No. 1 **Board of Venues NSW**

Page 4, Schedule 1 [10], proposed section 15 (2) (d), line 37. Omit all words on that line.

Insert instead—

(d) 1 person who resides in the Hunter Region,

(e) 1 person who resides in the Wollongong Region,

(f) at least 6, but not more than 8, other persons.

I will speak briefly to this amendment. It ensures that a person who resides in the Hunter and a person who resides in Wollongong are part of the board. The Opposition's concern is that without this protection there is a real danger that this will become a Sydney-centric board. These are crucial communities with key sporting venues as part of Venues NSW and we want to see those communities protected with reserve positions on the board.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendment No. 1 on sheet c2020-144D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. MARK LATHAM (18:46:18**):** By leave: I move One Nation amendments Nos 1 and 2 on sheet 42 in globo:

Amendment One

Under Part 3 Venues NSW, Division 1, after section 15 (2) at page 4 of the Bill, **add 15 (3) as follows:**

15 (3) The Board of Venues NSW is responsible for the major sporting facilities in NSW and in particular, the unique heritage and historical role of the Sydney Cricket Ground (since 1854), Sydney Cricket Ground Trust (since 1875) and Sydney Cricket and Sports Ground Trust (since 1952) in the sporting and civic life of the State, when, at various times, the SCG has been the primary home of:

a) Cricket: Inter-colonial, Test Match, Sheffield Shield and limited-over international and domestic;

b) Rugby League;

c) Rugby Union;

d) Soccer/Football;

e) Australian Football;

f) Cycling;

g) Baseball; and

h) Athletics, hosting the 1938 Empire Games.

And home to military recruitment and barracks during World Wars One and Two; also served as the principal location for the 1901 Australian Federation celebrations; and through the work of the SCG Trust, contributed heavily to charitable and civic-minded causes in NSW.

Amendment Two

Part 3A Advisory Committees

At page 9 of the Bill, **after 21E add:**

21F Advisory Committee: Sydney Cricket Ground Heritage

Venues NSW must, within 6 months of the commencement day, establish a body to be known as the 'SCG Heritage Trust', advising the Minister and Venues NSW on:

a) The preservation and public promotion of the unique sporting and civic history of the SCG;

b) Proposed changes in the design, amenity and management of the SCG that may affect its heritage values;

c) Harnessing the skills and interests of historians and sporting enthusiasts to further develop the historical record and status of the SCG; and

d) The custodianship of the highly significant historical role and contribution of the SCG Trust.

Members of this advisory committee must be appointed on the basis of their well-established and meritorious sporting, administrative or research/published association with the ground.

Amendment No. 2 will establish an advisory committee. I understand that in the other place Labor—with the agreement of the Government—established advisory committees for Wollongong and Newcastle, and that is entirely appropriate. We must also have an advisory committee that respects the heritage of the Sydney Cricket Ground [SCG]. The amendment sets out the purposes of the committee as a heritage organisation to look after the unique aspects that I mentioned earlier in the second reading debate. We must be mindful of the importance of this ground and what it means to so many people over such a long period when promoting its historical contribution. The heritage trust will be the custodian of that highly significant role. We must remember the magnificent work of the SCG trust that we closed down in the mother legislation. I will go through the amendment in greater detail and read it onto the parliamentary record. The purpose of amendment No. 1 to the bill is to recognise the following:

15 (3) The Board of Venues NSW is responsible for the major sporting facilities in NSW and in particular, the unique heritage and historical role of the Sydney Cricket Ground (since 1854), Sydney Cricket Ground Trust (since 1875) and Sydney Cricket and Sports Ground Trust (since 1952) in the sporting and civic life of the State, when, at various times, the SCG has been the primary home of:

a) Cricket: Inter-colonial, Test Match, Sheffield Shield and limited-over international and domestic;

b) Rugby League;

c) Rugby Union;

d) Soccer/Football;

e) Australian Football;

f) Cycling;

g) Baseball; and

h) Athletics, hosting the 1938 Empire Games.

And home to military recruitment and barracks during World Wars One and Two; also served as the principal location for the 1901 Australian Federation celebrations;

I will break there to say that it is commonly thought the celebrations were held at Centennial Park, closer to Woollahra. They were celebrated there for half a day and opened the rotunda, but SCG historians point out that the major Federation celebrations in Sydney occurred at the SCG for a full week. It was a party as good as the first day-night match, I would suggest. Further:

… the work of the SCG Trust, contributed heavily to charitable and civic-minded causes in NSW.

The Hon. NATALIE WARD (18:49:23**):** The Government supports the One Nation heritage amendment, which recognises the long history and great contribution that the Sydney Cricket Ground and its trust have made to the people of New South Wales. The amendment honours that historical contribution. We expect that Venues NSW and its board will take that spirit forward into the future, building on it with the full network of venues that the agency will manage. The Government also supports One Nation amendment No. 2 in relation to the Sydney Cricket Ground Heritage Advisory Committee. We support an advisory committee being formed that will be able to advise Venues NSW and the Minister on how we preserve the Sydney Cricket Ground's historical legacy and tell its story to current and future generations. While the new Venues NSW has its expanded role, it is building on an incredible legacy that must be respected and celebrated. The Government supports the amendments.

The Hon. JOHN GRAHAM (18:50:36**):** The Opposition supports these amendments. We appreciate the spirit in which they have been brought and the fantastic tale that has been told alongside them Viv a tale of two cavalier maestros: Viv Richards, to whom the term was applied, and Rodney Cavalier.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendments Nos 1 and 2 on sheet c2020-42. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. JOHN GRAHAM (18:51:15**):** By leave: I move Opposition amendments Nos 2, 5, 6 and 7 on sheet c2020-144D in globo:

No. 2 **Staff of Venues NSW**

Page 5, Schedule 1 [10], proposed section 17, lines 16–19. Omit all words on those lines.

Insert instead—

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable Venues NSW to exercise its functions.

Note. Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services Venues NSW makes use of) may be referred to as officers or employees, or members of staff, of Venues NSW. Section 47A of the *Constitution Act 1902* precludes Venues NSW from employing staff.

No. 5 **Employees of Public Service transferred to reconstituted Venues NSW**

Pages 33–34, Schedule 1 [27], proposed clause 35, line 30 on page 33 to line 20 on page 34. Omit all words on those lines.

No. 6 **Provisions relating to employees transferred to Venues NSW**

Page 34, Schedule 1 [27], proposed clause 36 (1), lines 22–23. Omit "to reconstituted Venues NSW under this Division—".

Insert instead "under clause 34—".

No. 7 **Provisions relating to employees transferred to Venues NSW**

Page 35, Schedule 1 [27], proposed clause 36 (2) and (3), lines 1–21. Omit all words on those lines.

These amendments go to the status of staff employed by Venues NSW. Amendment No. 5 inserts a clause into the Act indicating that the persons may be employed in the public service under the Government Sector Employment Act 2013 to enable Venues NSW to exercise its functions. We see that as preferable to the approach

the Government has taken in its bill, which would allow Venues NSW to employ its own staff and exempt them from the Government Sector Employment Act. We support the change of the governance; we do not think it should have implications for the workforce for their conditions or their status. That is why the Opposition moves this amendment and also the subsequent consequential amendments.

The Hon. NATALIE WARD (18:52:29**):** The Government opposes Opposition amendment No. 2 in relation to staff of Venues NSW, which is a commercial entity; that is the point. It needs to be flexible, it needs to offer competitive salaries and it needs to attract skillsets such as major event management. It cannot do that with this restriction. The best way to do this is by Venues NSW not being a government sector employer. Venues NSW should not be unnecessarily constrained. For those reasons we oppose Opposition amendment No. 2. I will deal only with amendment No. 2.

The CHAIR (The Hon. Trevor Khan): Opposition amendments Nos 2, 5, 6 and 7 have been moved in globo. I can put them separately.

The Hon. NATALIE WARD: We oppose them.

The CHAIR (The Hon. Trevor Khan): Do you oppose them all?

The Hon. NATALIE WARD: It seems that the Government is opposing all the amendments. I had been prepared to deal with the amendments separately and perhaps I should have done that.

The CHAIR (The Hon. Trevor Khan): I asked whether leave was granted for the amendments to be moved together and no objection was taken; hence, that is how it has been done.

The Hon. NATALIE WARD: The Government will oppose all four amendments.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendments Nos 2, 5, 6 and 7 on sheet c2020-144D. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. JOHN GRAHAM (18:55:06**):** I move Opposition amendment No. 3 on sheet c2020-144D:

No. 3 **Functions of Venues NSW**

Page 6, Schedule 1 [10], proposed section 19 (1) (j), lines 16–19. Omit all words on those lines.

This amendment speaks to the functions of Venues NSW. The Opposition does not believe that it should be a function of Venues NSW to be building residential premises or hotels on Venues NSW land. That does not rule out the fact that some of these discussions around what developments local communities might like to see should not happen, but it should take place within the framework of the existing protections to make sure that those things have to come back to Parliament for discussion. That is why the Opposition moves this amendment.

The Hon. NATALIE WARD (18:55:48**):** The Government does not support the amendment. It would remove from the functions of Venues NSW the undertaking or provision, or facilitating of the undertaking or provision, of residential, tourist or visitor accommodation on Venues NSW lands which is designated for that purpose. The Opposition is not proposing to remove the provisions further on in the Act which allow this kind of development. Keeping section 19 (1) (j) does not create an open slather capacity to build such developments. It merely makes it possible, subject to the limitations the Government is proposing, for it to occur only in designated parcels and when the planning legislation requirements are met. For those reasons, the Government does not support the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendment No. 3 on sheet c2020-144D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. JOHN GRAHAM (18:56:54**):** I move Opposition amendment No. 4 on sheet c2020-144D:

No. 4 **Declaration of controlled land or designated land**

Page 13, Schedule 1 [14], proposed section 30AJ, lines 6–18. Omit all words on those lines.

Insert instead—

30AJ No change to dedicated lands except by Act of Parliament

The dedication of the scheduled lands cannot be revoked, changed or abolished unless it is done by an Act of Parliament.

This amendment is about the declaration of controlled and designated lands. The new Act does away with the requirement to bring changes to the lands designated and controlled before the Parliament. In the opinion of the

Opposition, it allows the Minister of the day, by order, to include any lands under the jurisdiction of Venues NSW to be controlled or designated lands. I outlined a range of concerns about this in my second reading speech, so I refer to those comments.

The Hon. NATALIE WARD (18:57:30**):** The Government does not support this amendment regarding declaration of controlled or designated land. The bill will bring the development under the mainstream Environmental Planning and Assessment Act, or EP&A Act. Needing an Act of Parliament just to start a development process is unnecessary. Under the bill, designation of land for hotel or residential development is only the start of the process. Venues NSW would have to move through the normal EP&A Act process, which involves appropriate planning processes, zoning and community consultation. The Government will develop a State environmental planning policy [SEPP], which is the instrument under the EP&A Act that regulates development. On the one hand, the SEPP will set out categories of low-level development, such as installing bollards or repairing turnstiles, which do not need external approval. On the other hand, high-level development, like hotels and dwellings, will require full public exhibition. In short, Venues NSW would develop land in accordance with the normal legal framework.

The Government does not believe that, given all of these safeguards, we need to have an Act of Parliament to allow Venues NSW to commence a planning process. I also dispel the notion that Venues NSW has a plan to develop hotels and knock down stadia. It does not, and I say respectfully that that is a bit of a scare campaign. The bill sets out the functions and objects of venues. Its functions are listed at section 3A, which contains the objects of the Act. It states that Venues NSW is to manage sporting venues, attract sports events, facilitate precincts around sporting venues, ensure a customer-focused approach regarding its sporting venues and ensure that community service obligations are met at sporting venues. It cannot do that if it knocks them down and builds hotels everywhere. It is a sports venue business. If it was attempting to sell off all of its venues and develop hotels, it would not be able to say that it is fulfilling its objects. That would be, as us lawyers like to say, ultra vires. It would be outside of its power. It could not do it. The precinct aspect is an important part of what Venues NSW needs to consider, but it can never override its role of owning, managing and delivering major sports and entertainment venues. For that reason, the Government opposes the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendment No. 4 on sheet c2020-144D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. JOHN GRAHAM (19:00:06**):** I move Opposition amendment No. 8 on sheet c2020-144D:

No. 8 **Amendment of Sydney Olympic Park Authority Act 2001 No 57**

Pages 37–39, Schedule 2, line 1 on page 37 to line 14 on page 39. Omit all words on those lines.

This amendment goes to the Sydney Olympic Park Authority Act. The proposed bill includes that any assets of the Sydney Olympic Park Authority may be transferred by an order of the Governor to any government agency under schedule 2. This includes the head lease agreements of the Sydney Olympic Park Authority and we are concerned, given the history, that this may leave the authority open to being stripped of its functions and broken up. It is for those reasons that we are moving this protection.

The Hon. NATALIE WARD (19:00:47**):** The Government does not support this amendment. Sydney Olympic Park operates a range of sporting and events venues but has no capacity in its Act to divest itself of lands. It can acquire lands but it cannot transfer them out, which is an unusual situation, and for that reason we oppose this amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. John Graham has moved Opposition amendment No. 8 on sheet c2020-144D. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. NATALIE WARD: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. NATALIE WARD: On behalf of the Hon. Bronnie Taylor: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. NATALIE WARD: On behalf of the Hon. Bronnie Taylor: I move:

That this bill be now read a third time.

Motion agreed to.

Documents

ICARE

Further Return to Order

The CLERK: According to the resolution of the House of 23 September 2020, I table additional documents relating to an order for papers regarding Insurance and Care NSW, the Treasury and the NSW workers compensation scheme received this day from General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents considered privileged and which are available only to members.

Bills

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 2020

Second Reading Speech

The Hon. NATALIE WARD (19:04:36**):** On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

I foreshadow that the Government will move amendments to the Statute Law (Miscellaneous Provisions) Bill 2020 in Committee. The bill continues the Statute Law Revision Program that has been in place for more than 30 years. Statute law bills have featured in most sessions of Parliament since 1984. They are an effective method for making minor policy changes and maintaining the quality of the New South Wales statute book. I note that Government amendments to the bill were made in the other place.

The amendments made in the other place corrected references to departments in four Acts and schedules 2 and 3 to the bill and included minor technical amendments to legislation consequent on machinery-of-government changes. Following concerns raised by the member for Liverpool on behalf of the member for Auburn, amendments were also made in committee in the other place to withdraw from the bill provisions seeking to amend the Centennial Park and Moore Park Trust Act 1983, the Centennial Park and Moore Park Trust Regulation 2014 and the Parramatta Park Trust Act 2001 in relation to the membership of the trusts constituted under those Acts.

I seek leave to have the balance of the second reading speech incorporated in *Hansard*.

Leave granted.

Following concerns raised by the Hon. Adam Searle, the Government also moved an amendment in Committee in the other place to withdraw from the bill a provision to amend the Environmental Planning and Assessment Act 1979.

While the Government considered the amendments appropriate for inclusion in a statute law revision bill, the Government was willing to withdraw the provisions from the bill so as not to delay the passage of the bill.

I foreshadow that, in Committee, the Government will move amendments to this bill that have been circulated to members. These amendments will omit amendments to the Dams Safety Act 2015 and the Fisheries Management Act 1994 in response to concerns raised by members. I will deal with the amendments in Committee.

If any other amendments cause concern or require clarification, it should be urgently brought to my attention.

If necessary, I will arrange for Government staff to provide additional information on the matters raised.

If any particular matter of concern cannot be resolved and is likely to delay the passage of the bill, the Government is prepared to consider withdrawing the matter from the bill.

I commend the bill to the House.

Second Reading Debate

The Hon. ADAM SEARLE (19:06:02**):** I lead for the Opposition in debate on the Statute Law (Miscellaneous Provisions) Bill 2020. As is the custom, we do not oppose the bill. I note the amendments the Government has made removing two items we found to be contentious: the Centennial Park and Moore Park Trust Act and regulations changes, and changes to the Environmental Planning and Assessment Act in relation to who can issue certifications. There is a regime where councils certify and a regime for private certifiers. This would have enabled other bodies—including, I think, the Port of Newcastle—to self-certify. We had some concerns about those matters and felt they should be considered in a more leisurely way if the Government is to proceed with them. We thank the Government for moving the amendments in the other place to remove them upon our raising those concerns.

The bill is presented as making a large number of non-controversial and minor changes to a wide range of Acts and instruments, as the Parliamentary Secretary has outlined, in accordance with standard practice by governments of all stripes. It is a mechanism that has been used by governments for some decades. The first schedule has a range of amendments. Schedule 2 is entitled "Amendments by way of statute law revision" and covers things ranging from reformatting provisions to capitalising letters, correcting cross-referencing, correcting spelling errors—for example, capital "S" or capital "C" in "practised"—and so on.

Schedule 3 has amendments that flow from administrative changes. Schedule 4 contains amendments resulting from the dissolution of the Roads and Maritime Services. Schedule 5 contains the repeal of redundant Acts and instruments. Schedule 6 has savings and transitional provisions. As the shadow Attorney General did in the other place, I raise item [40] of schedule 1 to the bill, which includes an amendment by way of a change to the Public Health Act 2010. The provision appears to allow the health Minister to issue a public health order requiring compliance with a publication as in force for the time being. That is on page 21 of the bill. The explanatory note states:

> By allowing for the incorporation into a Ministerial order of a publication as in force for the time being, the proposed amendment will promote a flexible and timely response to rapidly evolving public health situations, such as the current COVID-19 pandemic, in which scientific knowledge, and the expert medical advice that relies on that knowledge, changes frequently.

I note that the explanatory note does not form part of any enactment and it does explain the provision. It seems to enable an order requiring compliance with something that either does not yet exist or exists but may change over time. We concede that there are similar types of provisions in other legislation but in principle it is troubling because compliance can be required with a certain order. The content of that order may change but the obligation to follow it remains intact. We do not oppose it; we simply raise it as something that requires some care and attention. We understand that there are precedents and we understand the realities of the need to have flexible provisions dealing with COVID-19, and that section 7 public health orders are limited to 90 days.

I also foreshadow that in the Committee stage the Opposition will introduce an amendment that seeks to change the NSW Ministerial Code of Conduct, pursuant to the Independent Commission Against Corruption Regulation 2017 and authorised by the Independent Commission Against Corruption Act 1988, arising from matters that have become apparent this week. From Monday's ICAC inquiry it appears that the former member for Wagga Wagga, Mr Maguire, put in place a number of schemes—apart from the ones that became apparent in July 2018—while he was an MP to actively promote the interests of developers with government agencies to help them secure planning approvals.

In a fairly outrageous way he sought to charge a commission from them and thereby enrich himself further. It is probably the case that such activities are already banned by the code as it stands, but clearly Mr Maguire did not think so and, on her evidence, it appears that the Premier did not think so either. At least, that is the story she is sticking to at present. If it is the case that there is such a gaping hole in the regime, it is unacceptable and must be plugged. For more abundant caution, we will propose an amendment that does that. I leave my remarks there and will address them in more detail during the Committee of the Whole.

The Hon. NATALIE WARD (19:11:34**):** On behalf of the Hon. Sarah Mitchell: In reply: I thank the Leader of the Opposition for his contribution to debate on the Statute Law (Miscellaneous Provisions) Bill 2020. I will deal briefly with the matter that he raised in relation to the Public Health Act 2010. For the benefit of members I explain the need for the amendment. Section 7 of the Public Health Act 2010 allows the Minister, by order, to give directions that are considered necessary to deal with a situation that will, or is likely to, pose a risk to public health. That power is one of the ways in which the Government has acted to keep the New South Wales community safe from the unfolding public health threat posed by the global COVID-19 pandemic. The amendment would allow an order of the Minister to require a person to comply with the publication as updated from time to time. That provision exists in other legislation on the New South Wales statute book.

It will provide the Government with a greater degree of flexibility in how it responds in a measured and appropriate way to what can be dynamic and fast-moving circumstances. The amendment will remove the need, for example, for the Minister to make orders such as the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No. 4) Amendment Order (No. 6) 2020, which only updated the dates of approval for COVID-19 safety checklists made by the Chief Health Officer. As foreshadowed in the second reading speech, the Government will move amendments in the Committee stage, omitting two amendments in the bill that members have raised concerns with. I commend the bill to the House.

The PRESIDENT: The question is that this bill be now read a second time.

Motion agreed to.

Instruction to Committee of the Whole

The Hon. ADAM SEARLE (19:13:32**):** I move, according to sessional order:

That it be an instruction to the Committee of the Whole that they have power to consider an amendment to the Independent Commission Against Corruption Regulation 2017 relating to the NSW Ministerial Code of Conduct and commissions from property developers.

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. There are two sets of amendments. The first is Government amendments appearing on sheet c2020-176B, and the second is Opposition amendment appearing on sheet c2020-167D.

The Hon. NATALIE WARD (19:15:00**):** By leave: I move Government amendments Nos 1 and 2 on sheet c2020-176B in globo:

No. 1 **Dams Safety Act 2015 No 26**

Page 7, Schedule 1.13, lines 28–33. Omit all words on those lines.

No. 2 **Fisheries Management Act 1994 No 38**

Pages 9 and 10, Schedule 1.18, lines 20–33 on page 9 and lines 28–31 on page 10. Omit all words on those lines.

Amendment No. 1 omits from schedule 1.13 to the bill the provisions amending the Dams Safety Act 2015. Amendment No. 2 omits from schedule 1.18 to the bill the provisions relating to the variation of permits under sections 37AA and 37A of the Fisheries Management Act 1994. I deal first with amendment No. 1. The Greens raised concerns about a provision in the bill to amend the Dams Safety Act 2015. The intention of the provision was to remove mine engineering from the list of expertise required of members of Dams Safety NSW following the removal of most of the mine surveillance requirements from the remit of Dams Safety NSW under the Act, which commenced on 1 November 2019. Unlike the situation under the predecessor Dams Safety Act 1978, mine engineering is no longer a relevant qualification for members of Dams Safety NSW because the introduction of the 2015 Act and a subsequent review and diminution of mining notification areas associated with dams has reduced the expertise required by Dams Safety NSW in this field.

Any expertise in mine engineering that is required is more than adequately covered and provided by departmental staff within the dams safety team, which currently has two mining experts and access to wider government expertise through a memorandum of understanding with the Natural Resources Access Regulator. The amendment would have allowed the Minister to appoint another member of Dams Safety NSW with expertise in the other areas listed in section 7 (2), which also includes dam engineering, emergency management, dam operations and management, and public safety risk analysis. However, given the concerns raised by a member, the Government is willing to withdraw the provision from the bill so as to not delay its passage.

Following concerns raised by the Shooters, Fishers and Farmers Party, amendment No. 2 withdraws from the bill proposed amendments to the Fisheries Management Act 1994 relating to the variation of permits. The amendments to the Act would have enabled the Minister to vary permits to fish or collect marine vegetation for research and other purposes under section 37AA of the Act and permits for the sale of fish for charitable purposes under section 37A. Currently, the Minister may only vary the conditions of such permits, which often results in the onerous requirement to cancel and reissue permits to address minor issues that are not "conditions", such as the type of fishing gear that can be used under a permit. The provisions are suitable for inclusion in a statute law revision bill. However, so as to not delay passage of the bill, the Government is willing to withdraw the provisions from the bill. I commend the amendments to the Committee.

The Hon. ADAM SEARLE (19:18:29**):** The Opposition supports the amendments.

The CHAIR (The Hon. Trevor Khan): The Hon. Natalie Ward has moved Government amendments Nos 1 and 2 appearing on sheet c2020-176B. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. ADAM SEARLE (19:19:09**):** I move Opposition amendment No.1 on sheet c2020-167D:

No. 1 **Independent Commission Against Corruption Regulation 2017**

Page 14, Schedule 1. Insert before line 1—

1.26A Independent Commission Against Corruption Regulation 2017

Appendix NSW Ministerial Code of Conduct

Insert after Part 3 in the Schedule to the NSW Ministerial Code of Conduct—

Part 3A Commissions from property developers

Note—This Part also applies to Parliamentary Secretaries, and a reference to a Minister in this Part includes a reference to a Parliamentary Secretary.

16A Commissions from property developers

(1) A Minister must not accept or seek payment of a commission from a property developer, either directly or through a third party.

(2) In this clause—

property developer means a property developer within the meaning of Part 2, Division 7 of the *Electoral Funding Act 2018*.

This amendment inserts after part 3 in the schedule to the NSW Ministerial Code of Conduct part 3A, headed "Commissions from property developers". It includes a note to the effect that the part applies not only to Ministers but expressly to Parliamentary Secretaries and that a reference to a Minister in the part will include a reference to a Parliamentary Secretary. It provides new clause 16A, which makes it clear that a Minister must not accept or seek the payment of a commission from a property developer either directly—for example, as Mr Daryl Maguire seems to have done in the past—or through a third party. The amendment makes clear that the term "property developer" has the same meaning that it does within the relevant provisions of the Electoral Funding Act 2018. As I indicated in my remarks in the second reading debate, we would have thought that this would be unnecessary and probably covered by the existing ministerial code, although not explicitly.

The revelations from the ICAC's Operation Dasha inquiry in July 2018 were truly shocking. It was shocking that a member of Parliament, who I think at that time was a Parliamentary Secretary, was seeking to put Chinese investors' money together with already approved development applications in the Canterbury-Bankstown local government area and charge a commission. The shock and revulsion that spread through the community is now a matter of history. My side of politics called for his resignation and the Government and current Premier, although resistant for a period of time, eventually had to accept that such conduct was unacceptable for a Parliamentary Secretary. According to the Premier, it was unacceptable for a member of the Liberal Party. It was widely accepted that for a member of Parliament to have conducted themselves in such a way was unacceptable.

Because it was so startling, it did seem to be a one-off. I remember saying at the time, "This Maguire character must have been the most unlucky enterprising fellow in this line of work to be pinged by the ICAC in his first outing." But as we learnt on Monday, apparently it was not and this was quite regular conduct. We heard evidence that appeared to outline a number of similar commission payment schemes from Mr Maguire's perspective. In a sense it was worse because while the July 2018 caper was just putting investors wanting to park their money in New South Wales in the way of developments that were already approved, his other efforts that have now come to light appear to have been to promote developer proposals.

The CHAIR (The Hon. Trevor Khan): The House is very much alive to this matter but members are to speak to the amendment. I understand the importance of this matter from all sides of politics and I do not in any way wish to belittle it but I encourage the member to look to the amendment.

The Hon. ADAM SEARLE: The amendment is necessary. It is focused in this way because it is dealing with Ministers and Parliamentary Secretaries. The evil to which it is directed has been starkly revealed this week. What we saw on Monday in a sense amplified what we had seen in July 2018. The more recent revelations appear to have involved helping developers to acquire new approvals and to do business with the State Government and to charge commissions and enrich Mr Maguire on the way. Again, it is shocking and disturbing. It is a matter of record that the Premier, who is the guardian of the code, was aware of each of those schemes because we heard on the recordings that he told her.

We would have thought that, at least implicitly, it would have been covered by the existing code. If it was, Mr Maguire clearly did not regard it as so and conducted himself that way. Disturbingly, the guardian and upholder of the code, the Premier, the head of government whose job it is to enforce the code, did not. If that is because there is a gaping hole in the regulatory apparatus, this amendment is designed to plug that gap. One might ask why the amendment only deals with Ministers and Parliamentary Secretaries. If there is an evil here of members of Parliament charging commissions from developers to get government approval or to do business with the State Government, why does it not apply in this amendment to all members of Parliament? It is because the Independent Commission Against Corruption Regulation and the Ministerial Code of Conduct are caught by that legislation and we can and we do propose this amendment.

I understand that the Code of Conduct for Members, which governs members of Parliament rather than Ministers or Parliamentary Secretaries, is adopted by way of resolution by each House and therefore would not be amenable to an amendment to the bill. It is a matter that my side of politics is well alive to and we will be proposing a course of action in relation to it in the very near future. No-one should look at this amendment and think we have dropped the ball. "They think it is okay for MPs but not for Ministers." No, we think it is wrong for any member of Parliament to seek to financially enrich themselves for helping people to do business with the State Government or to acquire State Government development approvals.

Why is it so important? It is because we know developers are prohibited donors, for good and proper reasons. It would be terrible if there is some other backdoor way that developers could enrich MPs or MPs could put themselves in a position to extort commission payments from developers to obtain approvals and to do their business. For those reasons we propose this simple, short but hopefully far-reaching amendment to deal with the terrible circumstance that has come to light this week. It is shocking and disturbing that it is necessary. We on this side of politics are saddened as well as angered. We earnestly hope and expect that even this Government, led by the current Premier, who clearly was asleep on her watch—

The CHAIR (The Hon. Trevor Khan): The member is starting to stray somewhat.

The Hon. ADAM SEARLE: I understand, but it is her job to enforce the code and she has yet to explain why she did not. We propose this amendment and we hope the Government supports it.

The Hon. NATALIE WARD (19:27:44**):** Although the Government considers the Opposition's proposed amendment on sheet C2020-167D would ordinarily not be suitable for inclusion in a statute law miscellaneous bill, it does not oppose the amendment. The Government notes that there is no other appropriate legislative vehicle immediately available to deal with this matter and I thank the Hon. Adam Searle for moving the amendment. The Government is prepared to consider sensible amendments as they arise, and this amendment appears to be eminently sensible in the circumstances. For those reasons the Government does not oppose the amendment.

The Hon. COURTNEY HOUSSOS (19:28:23**):** I know it is late and we have had two very late nights, but I feel compelled to make a brief contribution on this amendment. I think it is appropriate that the final amendment that the House deals with this week will address perhaps one of the most significant political events of the week. It is worth putting on record that it is a minor and self-evident change. Perhaps the shock of hearing the developments this week has been caused by the events themselves but, equally, by the fact that it is not against the rules for members of Parliament to have second jobs and that it is not against the rules for members of Parliament and Ministers of the Crown to take a paid commission from a property developer as long as they declare it appropriately.

This amendment will go some way to addressing that. The view of the public is that we should be fully devoted to our public duties. We are paid a fair, full-time wage. The expectation of the community is that when members of Parliament are advocating for their community for jobs, they do not need to be paid by an alternative source for that. If they are advocating on behalf of their community, they should not be taking a cut from someone else. That has been clearly expressed by the community this week. Other political parties have mentioned this week that it is part of their platform. My personal view is that this is the first step we need to take. If we are to genuinely re-instil public confidence in our public institutions, we need to show exactly how dedicated and how devoted most members of Parliament are.

As many members in this place on all sides of Parliament will say, it is more than a full-time job. There is more than enough work to go around and that needs to be reflected in the rules. The Ministerial Code of Conduct and the Code of Conduct for Members seek to encapsulate as general guides what the community expects of us in the way that we undertake our duties. We need to be fully devoted to the incredible responsibility and the amazing privilege that it is to be a member of Parliament, a Minister of the Crown or a Parliamentary Secretary. I wholeheartedly endorse this amendment as the first step to showing the community that we understand that anger and we will address it.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendment No. 1 on sheet c2020-167D. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. NATALIE WARD: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. NATALIE WARD: On behalf of the Hon. Sarah Mitchell: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. NATALIE WARD: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

FOSTER AND KINSHIP CARERS

The Hon. PENNY SHARPE (19:32:16**):** In New South Wales there are approximately 18,000 authorised foster carers and kinship carers for children and young people. Foster carers, kinship carers and guardians are an essential part of our child protection system. They do not seek pats on the back, although they definitely deserve them. They do not seek attention and recognition, although they definitely deserve that too. What foster and kinship carers do is support the most vulnerable children and young people in our community. They pick up the pieces of young lives that have experienced unimaginable loss, abuse, neglect and trauma. They do this because they care about the children and young people in our community. They care enough to open their homes and their hearts to children and young people, to give these kids—our kids—the chance to be their best. Some do this with children they do not know and are not related to. Some pick up the pieces from family difficulties and tragedy, taking on their grandchildren or their nieces or nephews, committed to keeping siblings together and kids with their families.

In recent weeks I have spent a lot of time talking with and listening to foster and kinship carers across New South Wales. I heard from over 100 New South Wales foster and kinship carers over the course of six online meetings and a survey. I thank those carers for their time, as well as their candid, frank and deeply personal contributions. I also thank those carers for being fierce and unstoppable advocates for the children in their care. Tonight I raise in the House the many serious issues that foster and kinship carers raised with me. What these carers told me shocked me. They painted a picture that is an indictment on the way they are treated as they fulfil the very important role our community asks them to undertake.

Traumatised children and young people need supportive, trauma-informed care. It is clear that for too many children in out-of-home care this is not the support they are receiving. As one carer described to me, the New South Wales Government's approach to care is often nothing more than "heads on beds". Some 70 per cent of the carers I spoke to told me about how difficult it was to get mental health support for the children they care for. I heard many examples of clinical recommendations by doctors or psychologists being ignored or rejected outright by the organisations managing the care. Some 81 per cent of carers told me that they were not provided respite when they needed it. Carers are often dealing with children with complex disability and behaviour issues that mean they are on duty 24 hours a day, seven days a week. Because of a lack of respite care, carers told me about placements that had broken down, relationships that had been put under immense pressure and a reluctance that had been created to care for more kids into the future.

One of the most disturbing themes that came through in my discussions was many carers speaking of being punitively threatened or punished by the Department of Communities and Justice or their NGO care provider when they spoke up when things were not right, or when they insisted on better support for the children in their care. Some carers said they were threatened with removal of the children in their care. Others spoke of long, indefinite delays to adoption or guardianship processes. Many carers spoke of doors being closed to them when seeking justice and resolution from internal complaints processes, the NSW Civil and Administrative Tribunal, the NSW Ombudsman, the Children's Guardian or the Government.

A complex and often distressing process for carers is when a child in their care makes an allegation against them. While many members may assume that these allegations are rare, in reality they are quite common. In these circumstances, action to keep the child safe during the investigation process is swift, but what comes after is anything but. Many carers described investigation processes that lasted up to a year—not because of the complexity of the case, but because of the lack of action taken. Carers also spoke of the lack of support to bring children back into their household following an unsubstantiated allegation, or a refusal to return a child to the placement against the child and the carer's wishes. This is not an easy matter. This is difficult and it is complex. What is not difficult is affording carers and children the procedural fairness they are entitled to during such a process. Too many carers said they were not provided with information or fair hearings following an allegation of this kind.

A couple of months ago I met with Kelly Doyle, who founded Foster Care Angels to support children in the care system and their carers. She told me about the wide levels of dissatisfaction amongst carers and the dangers of this. She said most carers choose to do this because they have known a carer and seen the incredible impact they have had on a child's life. Kelly warned that there is a danger of this not happening anymore because no-one would choose to do this after seeing what these carers go through. What Kelly said accords with what I saw and heard from the carers I spoke to last week. Some 75 per cent of carers I surveyed said that, based on their experience, they would not recommend it to other people. This is replicated in the NSW Carer Survey 2019, which found 49 per cent of carers would not recommend caring to others. With the number of children being reported at risk of harm in New South Wales rising every quarter and an estimated deficit of at least 350 foster carers right now, we need more carers. The best way to do that is to support the carers that we have. I call on Minister Ward to urgently act on the issues raised by foster carers in New South Wales. The vulnerable kids of New South Wales need him to do so.

KOALA POPULATIONS AND HABITAT

DUBBO DRUG REHABILITATION CENTRE

Ms CATE FAEHRMANN (19:38:20**):** To save koalas from extinction you have to start with saving local populations of koalas from extinction, because there are not going to be any koalas left in New South Wales if this Government continues to ignore the ongoing loss and fragmentation of core koala habitat. That is happening right now in Port Stephens, with a proposed expansion of Hanson quarry at Brandy Hill that will clear 52 hectares of core koala habitat. On 14 August this year I visited a group of Brandy Hill residents to hear their concerns about this expansion proposal, which the State Government has already approved. The decision now rests with the Federal environment Minister, Sussan Ley, because of the project's impacts on the koala—a species listed as vulnerable under Federal environment laws.

The Minister has deferred the date of her decision on the project twice. It is now due on 30 October. Local residents Chantal Parslow Redman and Victoria Jack are spearheading a dynamite campaign to protect their local koala population. Their campaign has drawn support from some big names, including Jimmy Barnes, Olivia Newton-John, k.d. lang, DJ Tigerlily, Magda Szubanski and Marcia Hines, to name a few. The report they recently commissioned by experts from the University of Newcastle found that the quarry would sever a koala corridor, disrupt breeding processes and destroy prime koala habitat, which is critical to the species' survival. Minister Ley has requested another survey of koalas in the Brandy Hill vicinity to assist with her decision, but I can tell her that the "Save Port Stephens Koalas" and the "1 Day to Save Port Stephens Koalas" Facebook pages are absolutely teeming with videos and photos, which were supplied by proud local residents, that show healthy koalas and their joeys living in Brandy Hill.

If the quarry extension is approved, 52 hectares of habitat that koalas are using right now will be cleared. That will have an irreversible impact on Brandy Hill's koalas. The Federal Minister for the Environment has asked the Threatened Species Scientific Committee to make a recommendation on when the New South Wales, Queensland and Australian Capital Territory koalas should be up-listed from "vulnerable" to "endangered" and a deadline of October 2021 should be set for that to occur. However, in two weeks Minister Ley must choose whether she will sign off on the clearing of 52 hectares of koala habitat in a State that has seen perhaps 70 per cent of koalas killed and more than 3.5 million hectares of our best koala habitat destroyed due to the black summer

bushfires. If this decision was up to the people of New South Wales, we know what they would do: save our koalas.

Methamphetamine-related deaths in Australia have nearly doubled compared to the number of deaths a decade ago. Nearly 40 per cent of deaths occur in regional New South Wales, where the rate of ice use is 2½ times higher than it is in the city. In Dubbo it is estimated that ice use has risen by nearly 60 per cent in the past few years. The number of people who are arrested in possession of amphetamines is twice the State average. The nearest adult drug rehabilitation centre is 150 kilometres away in Orange and, according to locals, is always full. At the last election the Federal Government committed $3 million for a Dubbo rehab centre, for which local councillors have offered land, but the facility must be funded and managed by the State Government. The community is calling on the Government to fund the rehab centre but the local Liberal MP has claimed that we do not know what the community needs until the end of the Special Commission of Inquiry into the Drug 'Ice'. Wiradjuri Elder Frank Doolan, who works at Dubbo's Apollo House community centre, said:

> We need another Inquiry into the Ice epidemic like we need another 10 year drought.

Just half of the 400,000 people in Australia who put up their hand for treatment can access it. The people who live in Dubbo currently have to travel at least 150 kilometres, and often as far as 600 kilometres, for treatment. They say they needed a rehab centre 30 years ago. Drug treatment services should be available when and where people need them—it is 2020, for goodness sake. The member for Dubbo, Dugald Saunders, must fund a drug rehabilitation centre in Dubbo now.

BLACKHEATH ROAD TUNNEL

The Hon. SHAYNE MALLARD (19:42:51**):** It is an exciting time of celebration for the community of the upper Blue Mountains. On Monday I joined the Acting Deputy Premier and Minister for Regional Transport and Roads, Minister Paul Toole—the member who represents the electorate that neighbours the Blue Mountains—to announce that the Berejiklian Government has backed a road tunnel as the best option for the Great Western Highway upgrade at Blackheath. As I have said before in this place, the Great Western Highway duplication between Katoomba and Lithgow is the final missing link on our major highway upgrades leading into Sydney and it is the final section to be completed over the Blue Mountains. The highway duplication was an election commitment from the Berejiklian Government. Some $2.5 billion has already been committed to the project.

The highway over the Blue Mountains to Lithgow goes back to colonial times in many ways. Even before that it was a route for First Australians to cross over the Great Dividing Range. Parallel to the highway, along the narrow, winding ridges of the mountains, is the very busy Blue Mountains rail line, which transports freight and passenger services. The final section of the upgrade of the highway will turn a largely single-lane, non-separated highway, which has regular accidents in which people are tragically killed, into a dual-lane highway that is mostly separated in both directions. This long-anticipated project will provide safer, more efficient and more reliable journeys for road users, as well as pedestrians and cyclists, and will better connect communities over the mountains and into the Central West. It will unlock the opportunity for greater investment in the Blue Mountains and the Central West region for tourism, service industries and manufacturing to create much-needed local jobs.

The input and local knowledge of local communities is the best way to ensure that the upgrade delivers the best outcomes for those who live in the Blue Mountains. The decision to short-list a tunnel under Blackheath has been welcomed by the local community and will deliver the best results for preserving the village character, heritage and environment of the upper Blue Mountains. I acknowledge the extensive community consultation for the past six months that has been undertaken by Transport for NSW, including the Blackheath co-design committee process that brought together representatives from community groups, the local council, emergency services and Transport for NSW. That has really helped to shape the way forward. On Monday the enthusiasm from them was contagious.

Like all major infrastructure projects, community consultation takes time. I sincerely thank the Blue Mountains community for their patience during the consultation period, particularly during the COVID challenges. The Government has listened to community feedback that recommended a tunnel. I believe we have found the best option for the community in providing certainty for this project. The Government is now asking for further feedback from the community on the two tunnel options under Blackheath—options that will ensure minimal impacts to property, improved safety and less congestion through the village, and provide an alternative route for emergency services in the mountains.

The tunnel includes three possible portals: a determined northern portal next to the Mount Boyce Heavy Vehicle Station north of Blackheath, where we made the announcement, and either of two options for the eastern portal—a short tunnel of four kilometres in length with a portal located at Sutton Park and a long tunnel of 4.5 kilometres with a portal located south of Evans Lookout Road. Subject to engineering requirements it is

expected that tunnel will be 40 metres deep and generally will follow the alignment of the highway. It may not require exhaust stacks.

I am pleased to say that the Centennial Pass and Station Street bypass options, which created considerable community angst, have been totally removed from consideration. The tunnel options for Blackheath are in the very early stages of strategic design. Transport for NSW will continue to seek community input as design progresses. It is anticipated that the design and geotechnical testing will take 18 months and that construction will take approximately four years. I now turn my attention to comments made by Blue Mountains City Council's Labor left-wing mayor, Mark Greenhill, about this announcement. Was he happy that the Berejiklian Government is delivering on its election commitments for the people of New South Wales? Was he happy that the last missing link is going to improve driver safety over the mountains? No, he was not. No surprise there! He said:

> This will have consequences for the safety and quality of life of all of our citizens. This reflects the pro-development push of a government that has little regard for the fact that this is a city within a World Heritage area. The proper course is not to kowtow to the trucking model but to invest in a genuinely nation-building options of putting freight on rail.

I have talked about that in this House. I can agree with the first sentence of what he said: This will have consequences for the safety and quality of life of citizens in the Blue Mountains—a positive effect on the safety of the people who live in the Blue Mountains. The mayor is anti-everything—anti-business, anti-tourism, anti-infrastructure and anti-investment in the Blue Mountains. He spearheads a "can't-do" Labor council that is opposed to everything, even when a proposal will benefit the Blue Mountains. [*Time expired.*]

ASBESTOS DISEASES RESEARCH INSTITUTE

The Hon. MARK BUTTIGIEG (19:48:02**):** I bring to the attention of the House the work of an outstanding research institute and its crucial need for support. The Asbestos Diseases Research Institute, which is known as ADRI, is a not-for-profit organisation located in the Bernie Banton Centre at the Concord Hospital. As a result of our nation's asbestos history, the institute plays an essential role in helping our communities. Due to our past high consumption of asbestos-containing materials, asbestos is entrenched throughout workplaces and schools. One in three homes built or renovated prior to 1987 has asbestos in it.

Between 1982 and 2015 over 15,000 Australians were identified as having malignant mesothelioma. Tens of thousands more have been diagnosed with different forms of asbestos-related diseases. Devastatingly, there are over 700 cases of malignant mesothelioma every year. Our nation has one of the highest rates of asbestos-related disease cases per capita globally, which is highly distressing. There is no cure for these diseases. Subsequent to a diagnosis, sufferers usually pass away within nine months to one year. Patients experience horrific suffering and there is no available treatment to try to sustain or lengthen their lives.

ADRI's ultimate objective is to save lives from asbestos-related diseases, including silicosis. It is working tirelessly to achieve it through investing in laboratory research, clinical sciences, prevention and public health. The institute is a world leader in preclinical research. Researchers are working on a variety of molecular and biological techniques so that the diseases can be cured and prevented. ADRI has a world-renowned record for conducting groundbreaking work that improves methods of prevention, diagnostic frameworks, and therapeutic procedures and treatments. ADRI's director is an international expert of the World Health Organization, and the institute is regularly engaged by the UN for assistance due to its pioneering work. The institute raises awareness to alert, educate and train people to avoid the risks of exposure in our communities, helping prevent further cases and suffering. ADRI's support service is critical for sufferers and their families. Registered nurses use current survivorship and carer need research to provide bedside, phone and group meeting support.

Unfortunately, all of that crucial work will end if ADRI is not supported with adequate funding, as it does not have the finances to continue its lifesaving efforts. As reported in *The Australian Financial Review*, James Hardie was providing funding of $500,000 per year to the institute as part of a 10-year funding agreement with the Australian Government, but that has now ended. Unfortunately, now that James Hardie is no longer obligated to keep the funding going, it has stopped, placing the institute's survival in jeopardy. I have been told there have been recent positive discussions between ADRI and James Hardie and a decision will be made in approximately four weeks regarding future funding. It is pleasing to hear that James Hardie has taken a positive first step. It is a tiny amount of money for a company like James Hardie, which I believe has a social responsibility to make contributions to ADRI due to its role in causing an overwhelming amount of the asbestos-related diseases in both our State and the nation.

I hope that James Hardie does the right thing and looks to the example set by CSR, which has increased its funding support by 50 per cent per annum. Unfortunately, even with that funding, ADRI'S operational costs cannot be covered to ensure its survival. The New South Wales Government helped establish the building where the institute resides, and now it should consider funding ADRI directly to ensure that it does not become insolvent. ADRI does not qualify for the NSW Health Medical Research Support Program, as it is a small, specific-disease

organisation without a high enough income to meet the criteria for the funding. Peer-reviewed grants also do not cover enough of ADRI's overall outlays, including infrastructure costs. I believe the Government, along with James Hardie, also has a social responsibility to ensure that a world-leading institute can continue its vital research and its support for sufferers and their families. The objective of ADRI is to make asbestos-related diseases history and that will not be achieved without adequate funding.

THREATENED SPECIES AND BIODIVERSITY

Mr JUSTIN FIELD (19:53:08**):** I speak tonight to outline the case for why the NSW Nationals should be listed under the New South Wales Biodiversity Conservation Act as a key threatening process. It may surprise members to know that there is a regime in New South Wales to identify key risks to threatened species and ecological communities. In fact, under the New South Wales Biodiversity Conservation Act, the Threatened Species Scientific Committee considers applications for key threatening processes and has to date listed 39 of them. Under the Act, a threat might be listed as a key threatening process if:

(a) it adversely affects threatened species or ecological communities, or

(b) it could cause species or ecological communities that are not threatened to become threatened.

The NSW Nationals, through their policies and the decisions of their Ministers, fulfil both of those criteria several times over. In fact, the NSW Nationals actively promote at least four existing key threatening processes which, on the basis of detailed scientific evidence, have already been determined by the committee.

These include, first, clearing native vegetation. Under the 2016 biodiversity and land management reforms pushed by the New South Wales National Party in government, approvals for the clearing of native vegetation have increased by 1,300 per cent. Actual year-on-year clearing has also significantly increased and as much as 60 per cent of that has been described as "unexplained". The Natural Resources Commission had described the laws as a "statewide risk to biodiversity". The New South Wales National Party, as the holders of the forestry portfolio in the Coalition Government, is currently pushing for logging to return to pre-fire levels and conditions despite 60 per cent of the North Coast and more than 80 per cent of South Coast State forests having been burned in the fires. Since the fires they have also allowed logging in up to nine areas of unburnt koala habitat, against the recommendations of the NSW Environment Protection Authority.

The second key threatening process is alteration to the natural flow regimes of rivers and streams and their floodplains and wetlands. The New South Wales National Party made changes to the 2012 Barwon-Darling water sharing plan that led to the river being described as an "ecosystem in crisis" by the Natural Resources Commission. It constructed a new pipeline from the Murray River to Broken Hill as part of a long-term plan to decommission the Menindee Lakes and enable more water to be held back in storages for irrigators in the northern Basin. It has submitted a range of water resource plans to the Murray-Darling Basin Authority that will see more planned environmental water being made available to irrigators and has proposed a series of new major dams and re-regulating devices across the Murray-Darling basin rivers that will further alter natural flow regimes, reduce environmental flows and allow more water to be diverted for irrigation.

The third key threat is habitat degradation and loss by feral horses. The New South Wales National Party, under the current leader and Deputy Premier John Barilaro, brought in legislation to give heritage protection to feral horses in the Kosciusko National Park. Since the New South Wales National Party came to office feral horse numbers have exploded in the region to as many as 20,000. The fourth of the scientifically determined and listed key threats to species in New South Wales that is part of the platform of the New South Wales National Party is death or injury to marine species following capture in shark control programs on ocean beaches. Under the New South Wales Nationals, as the holders of the primary industry portfolio, the damaging shark netting program has continued and even expanded at times over the past seven years. The National Party has taken no steps to transition away from shark nets to smart drum lines, despite evidence that they have significant benefits in terms of reducing shark and other animal mortality.

In 2019-20, of the 480 animals caught in the nets across New South Wales 180 were threatened species and the majority were not target sharks. On average, two-thirds of animals caught in the nets are killed. The Saving Our Species program is the New South Wales Government's response to managing key threatening processes, which includes developing specific strategies to manage priority threats. It makes a mockery of the Saving Our Species program to try to protect our threatened species and ecological communities in New South Wales when the stated policy platform of one of the parties of Government in this State actively undermines the purpose of that program and represents a direct and scientifically proven threat to those species the program is supposed to be protecting. The New South Wales Nationals should be declared a key threatening process in New South Wales and actions taken to restrict its ability to damage threatened species and ecological communities in the State.

COVID-19

The Hon. SCOTT FARLOW (19:57:59**):** When the COVID-19 global pandemic began, we started by looking at the world. Every night we started looking at the case numbers that were coming in from the United States, from the United Kingdom and from China, and we had a point of global reference. As the pandemic continued we have gone more and more into our shell and now refer only to the Australian case numbers between States, where we compare single digits. The COVID-19 global pandemic has continued to affect every corner of the globe. It is important to look at how we are tracking compared to the rest of the world. Indeed, while the pandemic has had a significant impact on Australia, we are in a very good place when comparing our case numbers to the rest of the world.

Over the past 14 days New South Wales has had 86 COVID infections—thankfully, with no deaths. Victoria has had 142, sadly, with 18 deaths in that jurisdiction. Let us compare this to the rest of the world for some perspective. Over the past 14 days the United Kingdom has had 188,764 new cases and 946 deaths. France has had 201,731 new cases and 1,001 deaths. The United States of America has had 674,327 new cases and 9,903 deaths; Japan has had 7,131 new cases and 67 deaths; South Korea has had 1,077 new cases and 25 deaths; and India has had 1,013,626 new cases and 13,089 deaths. If we are to look at the global tally of COVID cases, the United States has more than eight million, India more than seven million, Brazil more than five million and Russia more than one million. If we look at the cases per one million people, Bahrain is the leader, at 48,820, compared with Australia's 1,094. When it comes, sadly, to deaths as a result of COVID-19, Peru has had more than 1,000 deaths per million people compared with Australia's 36.2.

It is important for us to have some perspective when it comes to COVID and the strength of the response in New South Wales and how we are responding now. New South Wales has approached COVID-19 with a control-and-contain strategy. We cannot eliminate the virus; we have to continue to live our lives and, for the immediate future, learn to live in a new COVID-normal way. Until we have a cure—a vaccine—there will continue to be outbreaks, as we have seen this week. We need to control and contain those outbreaks, ensuring that we minimise the opportunity for COVID to spread. What we cannot do is destroy our economy in the process. The sort of lockdown we have seen in Victoria, where people are not able to work—with some 35,500 jobs disappearing from August to September, as announced today in the national employment figures—and people are not able to see their loved ones or to move around freely, is absolutely disastrous. It is disastrous for business, it is disastrous for the economy and, as we are seeing increasingly, it is disastrous for the mental health of Victorians.

If we look north, we see the Queensland Government has the highest unemployment rate in the country. The Queensland Government has boarded up the windows and locked the doors, setting ridiculous arbitrary reopening targets that are not evidence based. Queensland's cruel and unnecessary lock-in as part of what seems to be, for all intents and purposes, a shallow election game is causing significant issues for businesses that rely on our borders being open to survive, and for families who are now forcibly locked in the State of Queensland and are unable to reunite with family in other States. If we look at what is happening in New South Wales, in April to May we lost 270,000 jobs—although, thankfully, we have added more than 170,000 jobs in the process. These are jobs we cannot risk, and of course we need to add even more.

This side of the House is very clear about making sure that everything in our recovery is about jobs, jobs and more jobs. But when we look at the restrictions in both Queensland and Victoria, we see that they are harsher than the restrictions around the world in areas like the United Kingdom and South Korea—countries that have a substantially higher number of cases than we have in Australia. While Victoria remains locked down and Queensland locked in seemingly indefinitely, New South Wales is ensuring that we can get moving again in our new COVID-normal world. Indeed, this week we have further eased our COVID restrictions following expert NSW Health medical advice that allows us to move forward. We are enabling businesses to keep going by providing them with the tools to do so, including business support advisers, COVID-19 Safety Plans and the Service NSW contact tracing QR code system.

COVID-19 is not going away until we have a cure or a vaccine and, while we have done more compared with other countries, we must remain vigilant while keeping our economy moving. There is no going back. The New South Wales Government will continue to provide every opportunity for the people of New South Wales to not just survive but to thrive in our new COVID-normal world. [*Time expired*.]

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 20:03 until Tuesday 20 October 2020 at 14:30.