



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Wednesday, 11 November 2020**

Authorised by the Parliament of New South Wales



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# LEGISLATIVE COUNCIL

**Wednesday, 11 November 2020**

**The DEPUTY PRESIDENT AND CHAIR OF COMMITTEES (The Hon. Trevor Khan)**, in the absence of the President, took the chair at 10:00.

**The CLERK OF THE PARLIAMENTS** read the prayers.

*Business of the House*

## REMEMBRANCE DAY

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

That on Wednesday 11 November 2020 proceedings be interrupted at approximately 10.57 a.m. to enable all members and officers to observe a minute's silence at 11.00 a.m. to mark Remembrance Day.

**Motion agreed to.**

## PARLIAMENTARY SITTING CALENDAR

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:01:47):** I seek leave to amend business of the House notice of motion No. 2 on the *Notice Paper* for today as follows:

- (1) Omit "June 8, 9, 10, 22, 23, 24" and insert instead "June 8, 9, 10, 22, 23, 24, 25 (reserve day)."
- (2) Insert at the end:
  - "(4) That, unless otherwise ordered, or a committee resolves that a committee activity is urgent, no committee activity may be undertaken on the following dates:
    - (a) 11 January to 22 January 2021;
    - (b) 5 April to 9 April 2021;
    - (c) 28 June to 2 July 2021;
    - (d) 20 September to 24 September 2021; and
    - (e) 20 December to 24 December 2021.

**Leave granted.**

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

- (1) That, unless otherwise ordered, the days of meeting of the House in 2021 be as follows:

Budget sittings:  
February 16, 17, 18  
March 16, 17, 18, 23, 24, 25  
May 4, 5, 6, 11, 12, 13  
June 8, 9, 10, 22, 23, 24, 25 (reserve day).

Spring sittings:  
August 10, 11, 12  
September 7, 8, 9, 14, 15, 16  
October 12, 13, 14, 19, 20, 21  
November 9, 10, 11, 16, 17, 18 (reserve days 23, 24, 25).
- (2) That, unless otherwise ordered, for the purposes of the Budget Estimates inquiry 2020-2021 initial hearings be scheduled over 12 days from 25 February to 26 February 2021, 1 March to 5 March 2021, and 8 March to 12 March 2021.
- (3) That, unless otherwise ordered, for the purposes of the Budget Estimates inquiry 2021-2022:
  - (a) initial hearings be scheduled over 12 days from 16 August to 20 August 2021, 23 August to 27 August 2021, and 30 to 31 August 2021; and
  - (b) supplementary hearings be scheduled over five days from 25 October to 29 October 2021.
- (4) That, unless otherwise ordered, or a committee resolves that a committee activity is urgent, no committee activity may be undertaken on the following dates:
  - (a) 11 January to 22 January 2021;
  - (b) 5 April to 9 April 2021;
  - (c) 28 June to 2 July 2021;
  - (d) 20 September to 24 September 2021; and

(e) 20 December to 24 December 2021.

**Mr DAVID SHOEBRIDGE (10:03:35):** I move:

That the question be amended as follows:

(1) Omit "February 16, 17, 18" and insert instead "February 16, 17, 18, 19".

**The ACTING PRESIDENT (The Hon. Trevor Khan):** The question was put in formal business, leave was granted for the amendment and then the amended motion has been moved. There is no capacity at this point in time to move an amendment.

**Mr DAVID SHOEBRIDGE:** Are you ruling my amendment out of order?

**The ACTING PRESIDENT (The Hon. Trevor Khan):** No, I am not ruling anything out of order. I am indicating that the only way you could proceed now is with the leave of the House.

**Mr DAVID SHOEBRIDGE:** I seek leave to insert a further sitting day on Friday 19 February 2021 for the purpose of private members' business on that day, consistent with the discussions that I have had with the Government prior to this.

**Leave not granted.**

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

**Motion agreed to.**

### *Motions*

#### **MGM BUILDING MAINTENANCE**

**The Hon. LOU AMATO (10:07:31):** I move:

(1) That this House notes that:

- (a) in 2016 Anthony Mundine and Gosh Daher established the Indigenous owned company MGM Building Maintenance Pty Ltd;
- (b) MGM has over 25 years' experience in the building and maintenance services division;
- (c) MGM works with companies in supporting the growth of Indigenous employment and personal growth opportunities and is the first Australian Indigenous owned company producing Roads and Maritime Services approved concrete roadside barriers;
- (d) MGM's Indigenous roadside barriers provide Aboriginal youth the opportunity for employment and cultural expression by decorating faceless concrete barriers with traditional art;
- (e) the initiative not only generates jobs for Indigenous people but allows MGM clientele the opportunity to showcase their support toward Indigenous business with a proud visual impact;
- (f) the MGM logo is embossed in the following colours:
  - (i) blue to represent the Bundjalung people of the northern coastal area of New South Wales Australia where Anthony Mundine is from, the Bundjalung people being the original custodians of this area;
  - (ii) red to represent the red earth and the ochre used in ceremonies and Aboriginal peoples' spiritual relation to the land;
  - (iii) yellow to represent the sun, the giver of life and the protector; and
  - (iv) black to represent the Aboriginal people of Australia.
- (g) on 28 October 2020, MGM showcased Indigenous concrete roadside barriers decorated with traditional art at Campbelltown; and
- (h) in attendance at the showcase was:
  - (i) Mr Anthony Mundine, MGM Building Maintenance Pty Ltd;
  - (ii) Mr Gosh Daher, MGM Building Maintenance Pty Ltd;
  - (iii) Campbelltown mayor, George Brticevic; and
  - (iv) the Hon. Lou Amato, MLC, on behalf of the Premier, the Hon. Gladys Berejiklian, MP, and the Hon. Don Harwin, MLC, Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts.

(2) That this House acknowledges the:

- (a) work of Anthony Mundine and Gosh Daher in providing opportunity and employment to Indigenous youths; and
- (b) ongoing plans of MGM to expand its operations to increase capacity to provide further jobs for Indigenous youth.



**Motion agreed to.*****ANIMAL ABUSE AND DOMESTIC AND FAMILY VIOLENCE REPORT*****The Hon. EMMA HURST (10:08:04):** I move:

- (1) That this House notes that:
  - (a) in August 2020, Women's Safety NSW published a report titled *Animal Abuse and Domestic and Family Violence*; and
  - (b) the Women's Safety NSW report summarises the results of an online survey completed by frontline domestic and family violence specialists, and provides important statistics that highlight the link between domestic violence and animal abuse.
- (2) That this House notes that:
  - (a) in November 2020, Domestic Violence NSW released a report titled *Animals and People Experiencing Domestic and Family Violence: How Their Safety and Wellbeing are Interconnected*; and
  - (b) the Domestic Violence NSW report makes a number of recommendations for law and policy reform to better protect both human and animal victims of domestic violence, and reduce barriers for people fleeing violence with their animals.
- (3) That this House congratulates Domestic Violence NSW and Women's Safety NSW for publishing their important reports concerning domestic violence and animal abuse, and encourages everyone to read them.

**Motion agreed to.****UNITED STATES FIRST DOGS****The Hon. EMMA HURST (10:08:52):** I move:

- (1) That this House notes that:
  - (a) with Joe Biden declaring victory in the United States election, there has been much excitement about someone the public are affectionately calling the First Dog; and
  - (b) Major, a German Shepherd—who was adopted to be a brother to Champ, another German Shepherd—will be the first rescue dog to take up residence in the White House and will hopefully send a strong message around the world to adopt don't shop, and save a life.
- (2) That this House congratulates Major and wishes him a happy transition to the White House, alongside his brother Champ.

**Motion agreed to.***Documents***DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA****Production of Documents: Further Order****The Hon. MARK LATHAM (10:09:04):** I move:

- (1) That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier or the Department of Premier and Cabinet relating to ministerial disclosures concerning private benefits for Mr Daryl Maguire:
  - (a) all documents relating to the order of the House of Wednesday 14 October 2020 for the production of documents regarding ministerial disclosures of private benefits for Mr Daryl Maguire;
  - (b) all documents relating to disclosures under the *NSW Ministerial Code of Conduct* and Mr Daryl Maguire; and
  - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.
- (2) That should no disclosures made by Ministers under the *NSW Ministerial Code of Conduct* concerning private benefits for Mr Daryl Maguire be returned to this order of the House, a statement of reasons must be returned to explain whether no documents exist or that the documents were identified as Cabinet documents.

**Motion agreed to.****DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA****Production of Documents: Further Order****The Hon. MARK LATHAM (10:12:37):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Premier; the Department of Premier and Cabinet; the Greater Sydney Commission; the Minister for Planning and Public Spaces; the Department of Planning, Industry and Environment; the Minister for Transport and Roads; the Minister for Regional Transport

and Roads; the Department of Transport; Transport for NSW; Sydney Metro; Sydney Trains; the Minister for Jobs, Investment, Tourism and Western Sydney; the Minister for Energy and Environment; The Treasurer; the Treasury; the Minister for Health and Medical Research; the Ministry of Health; Infrastructure NSW; or Landcom relating to the interests and representations of Mr Daryl Maguire:

- (a) all correspondence created since 3 April 2011, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, between Mr Daryl Maguire and the Minister for Planning and Public Spaces, or the Department of Planning, relating to the interests or representations of Mr Daryl Maguire;
- (b) all correspondence created since 3 April 2011, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, sent or received by the Minister for Planning and Public Spaces, the Department of Planning, or Mrs Lucy Turnbull, Chief Commissioner, Greater Sydney Commission relating to Ms Louise Waterhouse, Mr Robbie Waterhouse, or the Waterhouse Group and land rezoning, access or development;
- (c) all correspondence created since 3 April 2011, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, sent or received by the Hon. Gladys Berejiklian, MP, as Minister for Transport, Treasurer or Premier, relating to lobbying or representations by Mr Daryl Maguire;
- (d) all documents created since 1 July 2018, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, relating to:
  - (i) all meetings held relating to the identification of matters concerning Mr Daryl Maguire potentially reportable to the Independent Commission Against Corruption;
  - (ii) the consideration or review of all matters concerning Mr Daryl Maguire identified as potentially reportable to the Independent Commission Against Corruption;
- (e) all correspondence created since 3 April 2011, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, to or from Mr Daryl Maguire relating to a proposed development, including the traffic management proposal, at 181 James Ruse Drive, Camellia;
- (f) all correspondence created since 1 January 2017, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, between Mr Daryl Maguire, the Minister for Energy and Environment, or the Premier concerning Mr Gordon Hinds or the Lockhart Renewable Energy Project;
- (g) all correspondence created since 1 January 2015, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, to or from Mr Daryl Maguire, relating to funding for the Bomen Interchange or Wagga Wagga Special Activation Precinct;
- (h) all correspondence created between 2 April 2015 and 30 January 2017, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, to or from Mr Daryl Maguire, relating to funding for projects from the Restart NSW Fund in the electorate of Wagga Wagga;
- (i) all correspondence created since 3 April 2011, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, to or from Mr Daryl Maguire, relating to the Sydney Science Park at Luddenham, Celestino Pty Ltd, the Baiada Group, Mr John Camilleri or the Camilleri family and land rezoning, access or development;
- (j) all correspondence created since 3 April 2011, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, to or from Mr Daryl Maguire, relating to all rail transport options servicing the Western Sydney Airport, Western Sydney Aerotropolis, or Badgerys Creek, including the:
  - (i) Badgerys Creek to St Marys metro;
  - (ii) Badgerys Creek to Macarthur metro;
  - (iii) Badgerys Creek to Leppington heavy rail extension; and
  - (iv) Badgerys Creek to Parramatta metro.
- (k) all documents, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, relating to all overseas travel applications or requests made by Mr Daryl Maguire to the Premier, including the Premier's response;
- (l) all correspondence created since 3 April 2011, including all electronic communication transacting government business or dealing with representations on private email accounts, text messages and private messaging services, to or from Mr Daryl Maguire, relating to property developments:
  - (i) by Country Garden Australia in St Leonards;
  - (ii) by Country Garden Australia at Wilton Greens;
  - (iii) at 7 Charles Street and 116 Macquarie Street, Parramatta;
  - (iv) at the Richmond Polo Club site, 100 Ridges Lane, Richmond;
  - (v) by William Luong, J Group or Joseph Alha at Eastern Road, Turramurra;

- (vi) by Country Garden Australia, William Luong, Demian Developments or the Demian Group at Park Avenue, Waitara;
  - (vii) at 565 Old Razorback Rd, Cawdor;
  - (viii) at 124-142 Beamish St, Campsie;
  - (ix) at 548-568 Canterbury Rd, Campsie, referred to as "Harrisons site";
  - (x) by Maggie Wang, Shifeng Li, Joandarc Reality, or Glenn Collis at Tennyson Road, Gladesville;
  - (xi) at 55-59 Parramatta Rd, Concord;
  - (xii) at 186 Canterbury Rd, Canterbury;
  - (xiii) at 1-11 London St, Campsie; and
  - (xiv) at 231-233 and 237-239 Canterbury Rd, Canterbury.
- (m) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

**Motion agreed to.**

### *Motions*

## **SUICIDE MONITORING SYSTEM**

**The Hon. SAM FARRAWAY (10:13:07):** I move:

- (1) That this House notes that:
  - (a) this week the Government launched New South Wales' first suicide monitoring system, which provides up-to-date data about the number of suicide deaths across the State, eliminating the long-standing two-year delay in statistics;
  - (b) this is the latest piece in the Government's Towards Zero Suicides strategy announced in 2018, an \$87 million investment which is about preventing tragedies, with 15 programs rolling out across New South Wales;
  - (c) NSW Health has been working closely with the State Coroner, the NSW Police Force and the Department of Communities and Justice over a number of years to develop this system; and
  - (d) this system will provide timely and reliable data on actual and suspected suicides, so health services can respond to communities with "emerging high needs" in a timely and coordinated way.
- (2) That this House:
  - (a) notes there have been 673 suspected or confirmed tragic suicide deaths reported in New South Wales from 1 January to 30 September 2020;
  - (b) notes this is almost exactly the same number of deaths reported within the same time period in 2019 and is similar to the pattern seen in Victoria and Queensland;
  - (c) acknowledges recent comments in *The Lancet Psychiatry* journal which said that predictions of large increases in suicide through modelling has led to pessimistic stories which are likely to have negative effects on people; and
  - (d) acknowledges that suicide is complex and there is no one single solution to reducing suicides, and this is why 15 different, coordinated initiatives are being implemented.
- (3) That this House commends the Government for developing the suicide monitoring and data management system and releasing accurate, up-to-date information about suicide in 2020.

**Motion agreed to.**

## **NAIDOC WEEK**

**Mr DAVID SHOEBRIDGE (10:13:34):** I move:

- (1) That this House notes that:
  - (a) National NAIDOC Week 2020 is being held from 8 to 15 November 2020 with the theme "Always Was, Always Will Be"; and
  - (b) the history of First Nations settlement of this land goes back at least 60,000 years, representing the oldest continuous culture in the world.
- (2) That this House recognises that:
  - (a) the land on which the New South Wales Parliament sits is Gadigal land; and
  - (b) the land which we call Australia always was and always will be First Nations land.

**Motion agreed to.**

**VIC ALHADEFF**

**The Hon. NATALIE WARD (10:14:25):** I move:

- (1) That this House notes that:
  - (a) Mr Vic Alhadeff has served as the CEO of the NSW Jewish Board of Deputies for 16 years and on 22 October 2020 announced his retirement upon the appointment of a successor;
  - (b) during his time as CEO of the NSW Jewish Board of Deputies, Mr Alhadeff worked tirelessly against violence based on race and religion within the community;
  - (c) Mr Alhadeff has also served as chair of Multicultural NSW and as a spokesperson for the Keep NSW Safe coalition, which was successful in its campaign to outlaw incitement of violence on the basis of race, religion, gender and sexual orientation; and
  - (d) prior to his work at the NSW Jewish Board of Deputies, Mr Alhadeff was editor of *The Australian Jewish News*, working at the newspaper for 18 years.
- (2) That this House thanks Mr Vic Alhadeff for his commitment, hard work and service in promoting the Jewish community in Australia and advancing multicultural relations in New South Wales.

**Motion agreed to.**

*Documents***UNPROCLAIMED LEGISLATION**

**The Hon. DAMIEN TUDEHOPE:** According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 10 November 2020.

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

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

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

**Motion agreed to.**

**ORDER OF BUSINESS**

**The Hon. NATASHA MACLAREN-JONES (10:28:57):** I move:

- (1) That the order of private members' business for today be as follows:
  - (1) Private members' business item No. 323 standing in the name of Mr David Shoebridge relating to Law Enforcement (Powers and Responsibilities) Amendment (Drug Detection Dogs and Strip Searches) Bill.
  - (2) Private members' business item No. 891 standing in the name of the Hon. Emma Hurst relating to Prevention of Cruelty to Animals Amendment (Increased Penalties) Bill.
  - (3) Private members' business item No. 854 standing in the name of Mr Justin Field relating to Casino Control Amendment (No Compensation) Bill.
  - (4) Private members' business item No. 862 standing in the name of the Hon. Mark Banasiak relating to Environmental Planning and Assessment Amendment (Review of Land Decisions) Bill.
  - (5) Private members' business item No. 859 standing in the name of the Hon. Robert Borsak relating to ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill.
  - (6) Private members' business item No. 815 standing in the name of the Hon. Adam Searle relating to an order for papers regarding the Ferry System Contract with Transdev.
  - (7) Private members' business item No. 908 standing in the name of the Hon. Peter Primrose relating to an order for papers regarding the Newcastle Education Precinct.
  - (8) Private members' business item No. 139 standing in the name of Reverend the Hon. Fred Nile relating to the Crimes Amendment (Zoe's Law) Bill 2019.
  - (9) Private members' business item No. 628 standing in the name of the Hon. Mark Latham relating to an order for papers regarding Renewable Energy Zones [REZ] in New South Wales.
  - (10) Private members' business item No. 858 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding School Infrastructure NSW hall projects.
  - (11) Private members' business item No. 902 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding Revenue NSW investigations.
  - (12) Private members' business item No. 889 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding the New Intercity Fleet.

- (13) Private members' business item No. 603 standing in the name of Ms Cate Faehrmann relating to the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020.
- (14) Private members' business item No. 897 standing in the name of the Hon. Mark Latham relating to the Premier and national security laws.
- (15) Private members' business item No. 883 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding the New Dubbo Bridge project.
- (16) Private members' business item No. 870 standing in the name of the Hon. Adam Searle relating to an order for papers regarding the Park'nPay app.
- (17) Private members' business item No. 831 standing in the name of the Hon. Natalie Ward relating to National Nutrition Week 2020.
- (18) Private members' business item No. 833 standing in the name of Ms Cate Faehrmann relating to Mrs Dawn Trevitt.
- (19) Private members' business item No. 884 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding the Museum of Applied Arts and Sciences and Powerhouse Parramatta.
- (20) Private members' business item No. 632 standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding children in out-of-home care.
- (21) Private members' business item No. 762 standing in the name of the Hon. Taylor Martin relating to the Surf Life Saving New South Wales 2020 Awards of Excellence.
- (22) Private members' business item No. 880 standing in the name of Mr Justin Field relating to an order for papers regarding floodplain harvesting regulation.
- (23) Private members' business item No. 878 standing in the name of the Hon. Mark Buttigieg relating to job cuts at Ausgrid.
- (24) Private members' business item No. 839 standing in the name of Ms Abigail Boyd relating to poverty in New South Wales.
- (25) Private members' business item No. 761 standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding the Fast Rail Network Strategy.
- (26) Private members' business item No. 789 standing in the name of the Hon. Taylor Martin relating to coal mining for export.
- (27) Private members' business item No. 890 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding property acquisition for Western Sydney Airport.
- (28) Private members' business item No. 896 standing in the name of the Hon. Courtney Houssos relating to a further order for papers regarding School Infrastructure NSW Projects.
- (29) Private members' business item No. 817 standing in the name of the Hon. Adam Searle relating to an order for papers regarding Councillor Antoine Doueihi, mayor of Strathfield.
- (30) Private members' business item No. 818 standing in the name of the Hon. Adam Searle relating to an order for papers regarding the Ombudsman's investigation into SafeWork NSW.
- (31) Private members' business item No. 871 standing in the name of the Hon. Adam Searle relating to modern slavery.
- (2) That, notwithstanding paragraph (1):
  - (a) private members' business item No. 895 standing in the name of the Hon. Natasha Maclaren-Jones relating to Remembrance Day 2020 be called on after the observance of one minute's silence marking Remembrance Day and take precedence until questions unless earlier concluded; and
  - (b) at 11.00 p.m. if private members' business item No. 895 was not earlier concluded, business be interrupted, but not so as to interrupt a member speaking, to allow private members' business item No. 895 to take precedence for today until concluded.

I indicate that it has been agreed that private members' business items at paragraphs (6), (7), (9) to (12), (14) to (25) and (27) to (31) will be considered in the short form format.

**Motion agreed to.**

### *Bills*

## **LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AMENDMENT (DRUG DETECTION DOGS AND STRIP SEARCHES) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**Mr DAVID SHOEBRIDGE (10:35:59):** I move:

That this bill be now read a second time.

The Law Enforcement (Powers and Responsibilities) Amendment (Drug Detection Dogs and Strip Searches) Bill 2020 reverses the decades-long trend of this institution, the New South Wales Parliament, year after year giving the police more power, more money and more control over our daily lives. The bill prohibits the use of drug detection dogs without a warrant, it limits the circumstances in which strip searches can occur, and it prohibits strip searches of children under 16 years of age. Since the drug dog program commenced under Labor in the early 2000s, it has continued to expand. And as it has expanded, it has subjected millions of people to humiliating public searches each year. It is a fact that police searches frequently escalate to strip searches, with more than 5,300 strip searches happening just in the financial year of 2018-19. In two-thirds of those degrading strip searches, the police found nothing.

That is more than 3,000 people who were confronted by police, stripped—often in a public place—and who had nothing found on them. There was no thought given to whether they were a previous victim of sexual assault or just how traumatic that interaction was. It is worth remembering that these are the police's official statistics and that the Law Enforcement Conduct Commission has found that many police searches and strip searches are never even recorded. The actual number of strip searches is likely significantly more. For many of these people, the reasonable grounds that the officer had to stripsearch them was that they were attending a music festival, or catching a train, or wearing the wrong type of clothing—or, let us be honest, they were just young and a person of colour in public. It should not be controversial to say that people should not be stripsearched by heavily armed police officers unless there is a pretty good reason. Yet it has been bipartisan policy in this place to back this oppressive police practice.

Strip searches are supposed to be a last resort, but it is clear to anyone watching that they are now a routine part of police practice. Searches are supposed to be based on a detailed and complex assessment by an officer of what is happening in front of them on the street. Yet targets exist under the police COMPASS program—targets that police have to meet—meaning that police undertake strip searches regardless of what they see in front of them in their duties. The numbers are staggering. Since 2013 police have had targets under the COMPASS program to undertake 1,784,292 searches, and that is only to the beginning of this year. In that period the police actually undertook 1,936,782 searches between 2013 and the beginning of this year. That is one search for every four people in New South Wales.

We should pause for a moment to reflect on that. This is a statewide, aggressive police push that treats a large part of our population as criminals, often based on the opinion of a dog or the unconscious or conscious bias of police. It is no longer a practice on the margins for a person to be stopped, searched and humiliated by police. It is now an everyday part of life in New South Wales for thousands of us. Part of the problem with the scheme is that the searches are not universally distributed, as Sniff Off—a campaign that is a collaboration between my office and the Young Greens and has more than 85,000 followers on Facebook—indicates.

Many of the reports to Sniff Off are of sightings of police drug dogs where individuals have been too scared to take a photo, even though they are perfectly within their rights to do so. When young people see police on the street, they are scared of the police reaction. In fact, making young people fearful of police is one of the aims of current policing practice in New South Wales. It is a policy goal that is explicitly supported by police Commissioner Mick Fuller. Fear is part of the deal in New South Wales. The strip search and drug dogs program makes people, especially young people, women and First Nations people, afraid of police. We would not accept that in other publicly funded agencies—which allegedly work in the public interest—and we should not accept it from the police.

Data from the Redfern Legal Centre shows that the number of women who have been stripsearched by police continues to grow year after year. The data shows that in the past three years at least 2,500 women were stripsearched by police, 122 of whom were school-aged young women, including two girls aged 12 years and eight girls aged just 13 years. In fact, young women aged 25 years and younger account for 48 per cent of the total searches of women by the NSW Police Force. In the same period 340 school-aged boys were subject to strip searches. It is standard, routine practice for New South Wales police to stripsearch kids without a warrant, without arrest and without a serious basis to suspect serious criminal offences. This bill aims to stop this abusive police behaviour.

Many young people have contacted my office to tell me and my team about their appalling experiences with police strip searches. These young people are brave, they are often hurt and they are demanding change. They find it impossible to believe that what has happened to them is not only legal but is encouraged by a majority of members of Parliament. It is authorised under laws passed by this place. In introducing this bill, I think of an entire generation of young people, my daughters included. But it is not my experience as a father that impels me to this position. I think of the experiences of an entire generation of young people who need to make the choice as they go about their lives as young people, "Do I go to a music festival? If I do, I run the risk of being

stripsearched and humiliated by police." That was never part of the metric for me when I was going out as a young person, and it should not be part of the metric for young people in this State.

Young people say, "Do I choose to go and see a band of my choice, knowing full well that I will be confronted by a wall of police? I will have to work my way past the dogs, police and searches. I could be stripsearched by strangers in a public place just because I want to go and see a band." That is the policy setting that both Labor and the Coalition are comfortable with in this State. That is the policy setting that this bill aims to change. This Parliament is forcing young people to make choices when we fail to do our job and rein in police abuses.

First Nations people are disproportionately targeted for strip searches. Data that was collected by *The Guardian* shows that First Nations people represent 12 per cent of the people stripsearched in this State, yet they only make up 3 per cent of the population—and that is searching Aboriginal kids who are 10 years old, 11 years old, 12 years old. They are taken off the street by police to be stripsearched and sometimes stripsearched on the street by police—10-year-old Aboriginal kids. That is no surprise because we know that discretionary police powers such as search powers are routinely overused and abused against First Nations people. But even if one is okay with monsterring people, the basic fact is that the drug dogs do not work. Police have never been able to point to any significant reduction in the availability of legal drugs as a result of the program for the simple reason that you are highly unlikely to catch organised crime gangs distributing drugs by stripsearching teenagers at police stations or at music festivals.

The program is a distraction from policing that works. This is police time that could be spent investigating large-scale criminal gangs producing drugs of questionable quality and putting lives at risk. It is police time that could be spent tracking down domestic violence perpetrators. It is police time that could be spent tracking down serious white-collar fraud and crime. But, instead, it is police time spent dragging labradors from train station to train station and pretending that is a rational response to drugs in this State. This bill is the result of an extensive consultation process of a number of years and it is what we need to do, what we need to change to keep us collectively safe from police overreach. It is the product of a focused consultation on a draft bill that started in January of this year.

We thank the following organisations for their detailed submissions about the proposal, which have helped shape the final form of the bill: the Aboriginal Legal Service, the Council for Civil Liberties, Harm Reduction Australia, the NSW Users and AIDS Association, the Redfern Legal Centre, Students for Sensible Drug Policy. We also thank Dr Peta Malins and the many lawyers, activists, academics, Greens members and general members of the community who shared their perspective with us. In addition, we took a survey on the bill and received 842 responses, 96 per cent of which were supportive of the bill. Their detailed responses and comments were invaluable to me as I sought to see whether we were on the right path with this bill. I will give some brief examples of what respondents told us. One respondent said:

I do not go to festivals in fear of being strip searched. I do not go to Redfern station and Central station in fear of being strip searched. What about all the sexual assault victims out there being re traumatised and humiliated and their PTSD coming forth. What about their compensation? What about an apology for all rape victims who have had to open old wounds.

Another respondent said:

Strip searches should never be conducted in public, even behind privacy screens. If they need to be carried out they should be taken to a private location such as a hospital or police station.

Another response was:

Strip searching is a major privacy violation and amounts to a form of sexual assault.

These are the thoughts of young people. These are the thoughts of the generation who are facing the brunt of police aggression. Another respondent said:

Strip searches should be preceded by an arrest. If you don't have sufficient cause to arrest a person, you don't have sufficient cause to humiliate them.

Another response was:

If police have quotas they will use the dogs to try and ramp up searches. The police have a personal interest in the dog sitting next to you.

Some respondents also shared their experiences:

I watched a police officer literally push the ass of a dog down to make it sit...ps it still wouldn't sit...

Another said:

I was strip searched at NYE in the Park, 2018. It was conducted behind a skip bin. I'm 6'5 so the bin didn't cover much. Was extremely degrading.

Another said:

I have been falsely indicated by a dog then proceeded to be searched in full view of two peak hour trains at central station

And another said:

I have been strip searched on multiple occasions once going to a bar after work, and once going out to dinner with my girlfriend. Both times I had not taken or had drugs on me. However it has affected my nights out and dinner. I especially pay tribute to the courage of those young women who have told the Coroner's Court about their experiences, who have told the Law Enforcement Conduct Commission about their experience and it is on the public record. I will not repeat their evidence because their evidence was most compelling if you heard it from them. Their stories about the humiliating and degrading experience at the hands of people who are meant to be keeping them safe are some of the most powerful arguments in favour of this bill. I thank all of those people who have shared their stories. I thank those courageous people who have stood up in public and told their stories. It is not too much for them to ask to be safe from police. I say to them: This bill is for you.

I move now to the changes the bill makes in detail. It makes a series of detailed and considered changes to police search powers and drug dog powers in the Law Enforcement (Powers and Responsibilities) Act 2002, often referred to as LEPPRA. New section 34 provides that a strip search must not be carried out on a person under 16 years of age. There may be some members in this Chamber who think it is okay for police to stripsearch 10-year-olds, 11-year-olds or 15-year-olds who have not been arrested and where those police do not have a warrant. If that is so, then I ask that those members to go home and ask their friends, family and neighbours what they think about stripsearching a 10-year-old kid who is not under arrest without a warrant—ask them what they think. This bill would end that practice.

The bill also provides that a 16-year-old or 17-year-old can only be stripsearched in exceptional circumstances to protect them or another person from immediate significant harm. New section 30 (2) specifies that a 16-year-old or 17-year-old person's safety, welfare and wellbeing is the paramount consideration in deciding if a strip search is to be undertaken. The criteria for when a strip search can be undertaken for those 18 and over is changed from the existing test—which is where "the officer suspects on reasonable grounds that the strip search is necessary for the purposes of the search and that the seriousness and urgency of the circumstances make the strip search necessary"—to having the officer believe on reasonable grounds that the strip search is necessary and there is an immediate risk of significant harm to a person's life or safety, and to provide that the search is carried out only after a senior officer authorises the search. The bill further clarifies that suspecting that a person possessing a small quantity of a drug or a plant does not constitute such a risk and can never be the basis for a strip search.

New section 34B specifies that strip search quotas are prohibited. There will be no more searching to meet a quota, with all the inherent abuse that entails. The bill makes the following changes to how searches should in fact be performed. For the first time this bill proposes inserting a definition into section 29A to actually define what a strip search is. One of the problems the Law Enforcement Conduct Commission has confronted in trying to understand the scale of the problem is that there is no definition in the Act of what a strip search is. That has allowed the police to avoid recording thousands and thousands of searches where people's clothing is removed, and to say that because not every item of clothing was removed or because they just peered down the pants or the clothing of an individual that it was not a strip search. This bill will change that. The bill will define a strip search as:

... a search of a person or of articles in the possession of a person that involves—

- (a) requiring the person to remove any of the person's clothes other than clothes specified in section 30 (1) (b)—

Section 30 (1) (b) identifies the likes of hats and coats that can be removed in an ordinary search. The definition continues:

- (b) an examination of the person's body, not including body cavities, and the person's clothes.

The bill also updates definitions to include non-binary persons who may be subject to searches. A transgender and non-binary person can only be searched by a police officer who is of the gender of that person's choosing. New section 33 (1A) specifies that before carrying out a strip search a police officer must tell the person that they can nominate a support person who can be there for the search. A further clarification of the strip search power is included under new section 33 (4), which specifies that a strip search cannot include touching a person's body or lifting or moving a part of the person's body, including in the genital area or breasts. It also expressly states that the kind of degrading behaviour that is often demanded by police, such as bending over, coughing and squatting whilst naked, will be prohibited going forward.

The bill also ends the warrantless use of drug dogs. Under new section 149 (3A), general drug detection dogs can only be used if a warrant is obtained. In considering whether to issue a warrant, the authorised officer—normally a magistrate—must consider the smallest possible area for the operation of the warrant, any likely harm to members of the public through the police operations and the impact the warrant would have on any existing



harm-reduction measures in that vicinity. The authorised officer must also receive information about the proportion of searches in the previous year following drug dog indications that did not find any illicit substances—often called the "false positive rate", although the police hate that term—and general information about the efficacy of the drug dog program.

A requirement is also imposed on the commissioner to keep accurate records of warrants issued for drug dog operations, including the number of searches undertaken under those warrants, the number of successful searches and other information as prescribed by the regulations. A report on that data must be tabled in Parliament each year. As the rest of the world has been grappling with the issue of excessive policing—and we have seen the demands of the Black Lives Matter movement on the streets of the United States and here on the streets of Sydney and around the country—we have seen a growing set of demands for parliaments to start doing their job, putting bounds around police abuses, legislating to ensure that people, particularly minority groups—and in this State I would say especially First Nations peoples—are free from the harm of aggressive over policing and fairly balancing our civil liberties and our rights to go about our lives as citizens in a free society against reasonable expectations of police operations.

The bill seeks to rebalance it. For the first time in two decades it brings legislation to the Parliament that, instead of increasing police powers, reins them in to a reasonable set of powers for police to undertake their duties in the public. As I am reading the bill, debate is happening in both Chambers about a bill sponsored by the Government that is not about reining in police powers. A bill is sitting on the *Notice Paper* to radically increase police search powers and radically open up the ability to stop, search and harass people in western Sydney without a warrant, reasonable cause or suspicion simply on the basis of their criminal record or a suspicion that they may be involved in the use of drugs. Far from reversing the arc, there is a danger that in the next seven days the Parliament will make matters worse and further empower police. It is as though the Labor Party and the Coalition are blind to the global demands for justice. By supporting the bill and reining in police, the Parliament can finally indicate that it has heard that global demand. I commend the bill to the House.

**Debate adjourned.**

#### *Commemorations*

### **REMEMBRANCE DAY**

**The ACTING PRESIDENT (The Hon. Trevor Khan):** Today is Remembrance Day. I ask all honourable members and officers of the House to stand in their places to remember those who made the supreme sacrifice for their country.

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

#### *Motions*

### **REMEMBRANCE DAY**

**The Hon. NATASHA MACLAREN-JONES (11:02:09):** I move:

- (1) That this House notes that on Wednesday 11 November 2020 Australia commemorates Remembrance Day.
- (2) That this House notes that:
  - (a) Remembrance Day is a significant day to commemorate the Armistice of the First World War and remember our service men and women;
  - (b) from a population of less than five million, over 330,000 Australians served during the First World War, with more than 150,000 wounded, gassed or taken prisoner, and more than 60,000 made the ultimate sacrifice, giving their lives for our country; and
  - (c) on Remembrance Day the body of an unknown Australian soldier from the Western Front was laid to rest in the Hall of Memory at the Australian War Memorial to acknowledge over 16,900 Australians who remain unknown or unaccounted for on the Western Front.
- (3) That this House notes that communities across New South Wales will pause to remember the sacrifice of Australian service men and women and due to the COVID-19 pandemic Remembrance Day Services will be held differently.
- (4) That this House acknowledges the:
  - (a) service and sacrifice of Australia's current and former serving men and women and thank them for their service; and
  - (b) families, friends and organisations who support our veterans.

On this significant day in our national calendar—the 102nd anniversary since the First World War—I take this opportunity to reflect on Remembrance Day, which is a time not only to reflect on the end of the First World War but also to commemorate those who fought for our nation. Although we are over 100 years on, the weight of

Remembrance Day for Australians has continued to remain strong as we pay tribute to the men and women who served, and those who are still serving, in our Defence Force, and those who died or suffered during wars and armed conflict.

Remembrance Day is observed every year on 11 November to commemorate the eleventh hour of the eleventh day of the eleventh month in 1918 when the Armistice came into effect, when guns fell silent after four short and arduous years of continuous warfare on the Western Front. The Armistice meant that the war was over for our Australian troops. Their service overseas was over and it was finally time to return home and reunite with their loved ones from whom they had been separated for so long because of the war.

Although it was a time to celebrate, it was and still is impossible to celebrate without reflecting on the 60,000 Australians who lost their lives tragically since the beginning of the war. Remembrance Day eventually received its name after the end of the Second World War. Originally called Armistice Day in recognition of the signing of the armistice, the day became known as Remembrance Day in remembrance of all those who had served and lost their lives in war. It is said that observing silence for one or two minutes was suggested by an Australian journalist named Edward Honey who recommended a period of silence on the hour of the armistice to remember those who had fallen. The silence was observed first at the main commemorative ceremony at the Cenotaph in London. It became an essential component of the Remembrance Day ceremony and it has been incorporated into Anzac Day and other commemorative ceremonies.

In the lead-up to the armistice Australia played an integral role in counteroffensive and Allied advances. The five divisions of the Australian Corps were critical in ensuring the end of the war. The success of the Battle of Hamel on 4 July 1918 was instrumental in gaining a strategic advantage. The operation was under the command of Australian Lieutenant General John Monash. Our objectives were accomplished in two hours due to Monash's tactical skills. Australia played a significant role in other important victories, including breaching of the Hindenburg Line in September. By early October Australians had withdrawn from conflict with a reputation of achieving victory despite disadvantages.

Those important victories made the importance of Remembrance Day even more significant for Australians in the early years as Australia's direct involvement assisted the Allied forces on the Western Front. On the second anniversary of Remembrance Day the remains of an unknown soldier from the Western Front were returned. The first unknown soldier's entombment in Westminster Abbey in London on 11 November 1920 became a symbol for many nations. To this day Australia commemorates the unknown soldier who represents all Australians who have been killed in war. Of those Australians who lost their lives during World War I and World War II, 35,527, which is around 35 per cent, have no identified graves.

On the seventy-fifth anniversary of the end of the First World War an unknown Australian was recovered from Adelaide Cemetery near Villers-Bretonneux in France and transported to Australia. The unknown Australian soldier was entombed on 11 November 1993. He was buried with a bayonet and a sprig of wattle in a Tasmanian blackwood coffin. Soil from the battlefield was sprinkled in his tomb by the late Robert Comb, a World War I veteran who had served in the battles on the Western Front. As he sprinkled the soil he said, "Now you are home, mate". The unknown soldier and the symbolism he represents remind us of all the men and women who paid the ultimate sacrifice for Australia. The tomb does not serve to glorify war but to remember those who fought for us and to reflect on their actions. As then Prime Minister, the Hon. Paul Keating, reflected when delivering the eulogy, "He is all of them and he is one of us."

Since World War I Australia has been called on to serve not only in war but also in peacekeeping and humanitarian operations. Australia served in peacekeeping as early as 1947 when four Australians were deployed to the first United Nations peacekeeping mission, the United Nations Good Offices Commission to Indonesia. Today we remember over 102,000 Australians who have died during or as a result of war service, conflict and peacekeeping operations. For many people, Remembrance Day serves as a commemoration of a loved one who has served or of a friend who has passed away.

The primary symbol of Remembrance Day is red poppies that are worn on the day. The poppy's origins are from Lieutenant Colonel John McCrae, a doctor of the Canadian Army Medical Corps, and his poem entitled *In Flanders Fields*. Upon visiting the Western Front and observing the devastation caused by the horrors of war, he noticed that thousands of red poppies had grown. The poem was published in the English *Punch* magazine in December 1915. It became the symbol of the sacrifice of those fighting in the war. In 1918 the poem became a symbol of remembrance when American Moina Michael wrote a poem in reply entitled *We Shall Keep the Faith* in which she promised to wear a poppy to honour the dead. Poppies were sold first in England on Armistice Day in 1921 by the British Legion to raise money for those incapacitated and injured by war.

Australia's Returned Sailors' and Soldiers' Imperial League of Australia, now known as the Returned and Services League of Australia, would begin the practice of selling the poppies the same year, and it has become an

icon of Remembrance Day. Eighteen war memorials across the State will be conserved for future generations through \$125,000 in funding from the New South Wales Government to effect repairs ahead of Remembrance Day. Remembrance Day is commemorated each year in schools, public settings and businesses, and by individuals. Many ceremonies will be held today and will observe one minute of silence. However, this year presents a different set of circumstances due to the COVID-19 pandemic. We have already seen the impacts of COVID-19 upon the commemoration of Anzac Day. Whilst we were unable to acknowledge Anzac Day in the traditional way, we were able to acknowledge the day in a special way: Many of us stood at the end of our driveways and commemorated the day privately or virtually through the various ceremonies that were held online.

Due to the hard work and dedication of people in New South Wales following health advice and the incredible work of our healthcare professionals, we are able to hold Remembrance Day ceremonies in person. Although commemorations will be slightly different from previous years, it is great to see these in-person ceremonies go ahead in a COVID-safe way to acknowledge the many stories of service and sacrifice. Recently the Government announced a one-off exemption for groups of up to 100 people to gather for Remembrance Day. We can pay our respects as a group provided social distancing measures are adhered to. Schools across New South Wales have also played an important role in remembering our service men and women, through the Remembrance Day education program. This initiative has been teaching students about the significance of the poppy, which fits in with the RSL NSW campaign Remember to Remember.

Schools have been making crepe-paper poppies in their classrooms as part of the history lesson about the importance of Remembrance Day. This Remembrance Day has further significance as Second World War veterans are particularly remembered this year. It is the seventy-fifth anniversary of the end of the Second World War. Earlier in the year, Australia commemorated the seventy-fifth anniversary of Victory in Europe Day, which occurred on 8 May 1945 marking the end of Nazi Germany. Legacy is one of the many organisations dedicated to caring for families of deceased and injured veterans, including the dependants of members of today's Australian Defence Force who lost their lives as a result of military service. Legacy's caring and compassionate service assists over 100,000 widows and close to 2,000 children and dependants. I acknowledge the 6,000 volunteers around Australia who act as mentors to widows and their families. The legatees are the face of Legacy. They dedicate their time to visit and assist widows and junior legatees to ensure that they receive the opportunities and services they require to live happy and fulfilling lives.

As the daughter of a former Australian navy serviceman and former junior legatee, I acknowledge the support that Legacy provided to my family when I was growing up. I acknowledge the work of Soldier On. It is an important organisation that focuses on reconnecting our Australian defence personnel veterans and their families with the community by providing support services and ensuring that they have a future. It was established by John Bale, Cavin Wilson, and Dr Danielle Clout following the death of a close friend in 2008 in Afghanistan from a bomb blast. The organisation provides support for younger veterans who have been physically injured and/or who have been psychologically impacted by war, together with their families. It is not only those affected directly by service but also those affected during peacekeeping operations, training exercises and also general duties.

There are centres in Sydney, Melbourne and Canberra, as well as offices in Adelaide, Albury, Brisbane, Newcastle and Perth. They provide an in-house psychologist who specialises in trauma-related mental health conditions. They also offer employment opportunities and social programs to help people reconnect with the community, employment and education. Finally, Remembrance Day plays an important role in our nation's calendar by honouring our service men and women and thanking them for what they have given, and continue to give, to our community. The sacrifice of thousands of Australian men and women has given us the freedom that we all now enjoy. Despite COVID-19, we will continue to pay respect on this significant day and remember the stories of those who have died in pursuit of freedom. Lest we forget.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (11:14:20):** Over 100 years ago the guns fell silent on the Western Front and brought an end to hostilities in the First World War. Each year we mark the end of the war at 11.00 a.m. on 11 November—as we have just done in the Chamber. That is the exact moment the Armistice was brought into effect. It is marked as a moment to acknowledge the sacrifice of soldiers across all conflicts. The First World War holds a particular place in the minds of Australians. It was the first conflict that Australia entered as a nation rather than as a varied assortment of colonies, as occurred in the Boer War or the Boxer Uprising. It was the first truly global war, with actions being fought in every hemisphere and continent.

It was the war that saw Australia lose its innocence and 60,000 young lives. Speaking at the Battersea Anzac plaque commemoration in 1988, Clive James said of the sacrifice of Australian and New Zealand men, "This was a harvest of our tallest poppies. A bitter harvest." It is as apt a metaphor as it ever was. Too many of those brave men—boys, really, some only on the cusp of manhood—found themselves in a global conflict the

likes of which had never been seen. They faced death, maiming, shrapnel, bullets and mud. They experienced the worst of man's willingness to inflict cruelty on his fellow man. The effects of shell shock, a term new to the Great War that describes what we would today call post-traumatic stress disorder, affected men well after the war.

What they fought for was noble: They fought for King and country. But they also fought for their mates, for democracy and against militarism. They fought for the fulfilment of right, not the conquest of might. One who fought was Thomas William Wright Killiby, my grandfather. On 24 March 1916, not long after his eighteenth birthday, he enlisted in the First Australian Imperial Force [AIF]. As he was under the age of 21, his mother signed his consent form to allow him to engage in active service. He was assigned to the AIF camp in Cootamundra, training with trench mortars before embarking on the *Ceramic* in Sydney in November and disembarking in Plymouth later that month. It did not take him long to find trouble, going absent without leave for 48 hours while overstaying leave. He was punished with the loss of nine days' pay.

By March he was in France, variously with the 17th, 19th and 20th battalions and the 5th Light Trench Mortar Battery. Trench mortars went along with the parent brigade and attached themselves to the battalions as needed. They were an integral fire support within the brigade structure and were always deployed close to the front lines. With those outfits he fought in some of the bloodiest battles of the war—Bullecourt, Pozières and Mont Saint-Quentin. Because I was born just nine months after he died and never knew him, for a long time I had nothing much more than stories, a photograph, and a bugle and whistle that he brought back from the Western Front, to know him with. I am so glad that back in 2015, when I was President of this House, I was able to visit the Western Front battlefields and see some of those places.

Although I visited during a French summer, it was bitterly cold. So I cannot imagine what it would have been like for our soldiers, freezing through a winter in northern France and in Flanders. Mont Saint-Quentin ironically is such a beautiful place and it is where the memorial for the brigade he served in is. As a trench mortar soldier he was involved in the battle at Mont-Saint Quentin under the extraordinary leadership of General Monash, and that is widely regarded as the turning point of the war. It was a very special place and visiting it helped me to add a huge dimension to what I think is my understanding of my grandfather.

Thomas Killiby was a young man who answered the call. Thankfully, he survived and returned home on the *Takada* in 1919 to his family. He was not yet 23 and had seen all the horrors of the war. Like many men of his era, he returned home, lived his life and enjoyed the hard-won peace that he and his mates had fought for. He worked for one employer for his whole career and got a gold watch from the Governor at the end of it, but his passions were truly his family and his sport, particularly rugby league; he played 100 first grade games for St George. He eventually became the trainer of the first grade team and held that position throughout the 1950s until the day he died in 1963.

Those men were of another era where mass armies made up of citizen soldiers took to the field. Thankfully, we do not live in that era anymore. The soldiers of today are all volunteers and our Defence Force is a small force of professional and dedicated men and women. They are who stand ready today to defend our way of life, and it is vitally important that when we commemorate the Anzacs of the First World War we also acknowledge and celebrate those who have served in more recent conflicts that affect us today. I thank those who have served and I thank those who continue to serve. Lest we forget.

**The Hon. PENNY SHARPE (11:22:09):** I thank the Hon. Natasha Maclaren-Jones for moving this motion and I thank the House for spending a small amount of time yet again acknowledging and reflecting on the many lives lost—mostly Australian men—over the time that we have been in conflict. As we know, Remembrance Day is the day that we commemorate the Armistice of the First World War and remember our service men and women. We have to remember the number of lives that were lost. Over 100,000 people—young Australian men—lost their lives and many thousands more were wounded. That is a whole generation of young Australian men whose families never got to know them and who were never able to contribute to their local community. Many children never got to know their fathers.

In World War II, yet again, Australia sent mostly young men to fight for what we believed in and for what our community believed was important. We sent them to fight against fascism and to work with our allies across the world to support democratic freedoms and rights. There were 34,000 service personnel were lost, 73,000 people were casualties of that war and over 31,000 Australians became prisoners of war in that conflict. We have participated in many other conflicts since that time. They have become smaller as the world and the nature of war has changed—Korea, Malaya, Malaysia and of course Vietnam, where 496 lives were lost and 2,398 people were wounded. We have people who fought in the Gulf War and in the wars of Afghanistan.

There are still active service people in dangerous situations all over the world doing the work that our governments and our democracy—through who we elect—ask them to do. It is a very significant issue for a government to ask young men and women to risk their lives to fight for our values. I know that our service men

and women are fully cognisant of what they are doing and what they are signing up for. I am not going to open a debate on conscription today, but I do think it is something all of us need to reflect on. I have had the privilege of knowing defence Ministers of all sorts, from all sides of Parliament, and I know that the decision they make weighs heavily on them. They have attended the funerals of men and women who lost their lives in war, and it is a profoundly serious matter that we agree to send people to fight in wars.

I briefly acknowledge the people working with returned service men and women across Australia every day, whether it is Legacy, the RSL or a range of other organisations. We ask men and women to fight for our country and sometimes they do not come back. When they do not come back they are a loss to our community and a loss to our country but, most of all, they are a loss to their families. Very few of us in this place would not have a relative who fought in World War I, World War II or the Vietnam War, or who have some links to people who are currently serving in our armed forces. The impact is profound and I do not think we can ever really repay the sacrifice that families make when they lose their loved ones. I thank all the organisations who do their best every day to support those families.

Finally, many people come back from war physically harmed. But I reflect on the appalling statistics in relation to suicide and post-traumatic stress disorder among people who have served in our armed forces. More work needs to be done. There has been report after report—and I am not going to go through them today—but it is just unacceptable that we do not provide the people whom we ask to put their lives on the line for the values we think are important, that we cherish and that are worth standing up for, with support and recognition and ongoing investment in their wellbeing and healing. We do not do that. All governments must face up to that and more work must be invested in it.

On this Remembrance Day I thank the House for taking some time to reflect and I again thank the Hon. Natasha Maclaren-Jones, who takes these issues very seriously and always raises them in the House, for giving us time to reflect on these matters because we cannot forget—we must not forget—in the hustle and bustle of what we do every day. When we next ask our young men and women to go to war—and I am talking as someone who is not really into war—we must always reflect on the gravity of that decision and what we are asking people to sign up for. We must remember that forever because we do not want to see any more lives lost, we do not want to see any more families losing a loved one and we want ultimately to live in a peaceful world.

**Reverend the Hon. FRED NILE (11:28:37):** I support this motion reminding us of Remembrance Day, and I thank the Hon. Natasha Maclaren-Jones for her efforts in moving it and for sharing her own remarks with the House. The motion encourages us to remember that Remembrance Day is a significant day to commemorate the armistice of the First World War and to remember our service men and women. From a population of less than five million, over 330,000 Australians served during the First World War, with more than 150,000 wounded, gassed or taken prisoner and more than 60,000 who made the ultimate sacrifice in giving their lives for our country.

On Remembrance Day the body of an unknown Australian soldier from the Western Front was laid to rest in the Hall of Memory at the Australian War Memorial to acknowledge over 16,900 Australians who remain unknown or unidentified from the Western Front. I support the motion which reminds us:

That this House notes that communities across New South Wales will pause to remember the sacrifice of Australian service men and women ...

Remembrance Day services have had to be modified because of this pandemic. I support the motion, which states:

That this House acknowledges the:

- (a) service and sacrifice of Australia's current and former serving men and women and thank them for their service; and
- (b) families, friends and organisations who support our veterans.

For me, Remembrance Day has a personal aspect to it as I am reminded of my father, who has the same name as me—Frederick John Nile. He served in the British Army's Gloucestershire Regiment during World War I in France when he was only 17. Remarkably, he was severely wounded by German machine guns and sent back to the British hospitals in the UK for treatment. After he was restored to full health, they sent him back to France again to face the Germans. The Germans had two opportunities to deal with him. If they had been successful then I would not be here today. I thank him for his service when he volunteered to serve in World War I when aged only 17. A number of my relatives served in the Australian Army, including in the Middle East and Malaya. Some were buried in Malaya at the end of the Second World War. Remember all those who have served our nation and made the ultimate sacrifice. God bless them.

**The Hon. LOU AMATO (11:32:46):** I thank the Hon. Natasha Maclaren-Jones for her important motion and the Hon. Don Harwin, the Hon. Penny Sharpe and Reverend the Hon. Fred Nile for their valuable contributions. Many may ask why is it so important that we continue to remember the horrors of World War I.

We remember in the hope that we will learn that war and violence, even at its conclusion, has never materialised in a greater respect for human dignity and life. We remember in hope that war will be no more. We will never know the exact numbers of deaths nor understand the sufferings that World War I brought upon the people of our world. Estimates vary on the number of deaths, which range from 15 to 22 million lives lost. Many of those lives were innocent young children, some of whom were tragically born at the beginning of the conflict and suffered throughout their short lives. Millions of young men were forced to take the lives of others; many had their own lives terminated on the battlefield. None of us here can ever understand what life must have been like during those terrible years of violent bloodshed.

After the conflict was over and though victory was achieved militarily by the Allies, the world changed. Political unrest erupted in Europe and new political alliances were formed and the desire for world domination continued by regimes who believed they had the power to achieve it. The world did not lay down arms at the conclusion of hostilities but instead vigorously pursued new technologies that produced weapons of even greater destruction than those used in the First World War. Some say that the rise of Adolf Hitler and Joseph Stalin was a direct result of the tragedy of World War I, with many historians claiming that World War II was a continuation of the conflict. World War II, which resulted in even more deaths and destruction than World War I, could have been avoided if the world had truly reconciled when the bloodshed stopped at the eleventh hour. Sadly it was not to be and World War II began only 20 years later.

The political damage of World War I changed the world forever. World War II resulted in the march of communism and the formation of the Soviet Union. To counter the threat of communism, democracies such as the United States exponentially increased their military might. In turn, communist regimes did the same. World War I had become World War II, which then became the Cold War. Those who lived through the Cold War remember the fear of the threat of something far more dreadful than the suffering seen during World War I and World War II: nuclear war and the annihilation of our world. This fear was justified by the destruction caused by the dropping of nuclear weapons on Japan in the final days of World War II.

The Cold War did not result in the detonation of weapons of mass destruction but Marxism spread around the globe through the creation of further communist states. China and North Korea moved to base their societies on Marxist ideology, which resulted in the Korean War. Then came the Vietnam War and a host of other horrific wars, as communism continued its march. The Nazi concentration camps liberated at the end of World War II were replicated in many communist countries and became known as Gulags. The suffering continued as Marxist dictatorships imprisoned, tortured and murdered those who championed freedom of speech and believed in democracy. Germany was divided into East and West by the Berlin Wall. Barbed wire, minefields and machine-gun posts stood at the ready to stop anyone who decided to escape to freedom.

War is the absence of peace. We remember those who endured military conflict in the hope that, at its conclusion, world peace would reign. Many Australians, including our allies and even our enemies during World War I and World War II, died for a cause. I believe that the cause on the minds of many conscripts and volunteers who flocked to fight under their flag was to help end the war and return home to live in peace with their families and loved ones. We honour the fallen because they died for peace. Even though the world changed and could never be the same again, we are eternally grateful for the sacrifice of those who died in the hope for peace. In reality, peace was never achieved, as the resulting carnage from the march of communism before and after World War II is estimated to have cost over 100 million lives.

It has been said that the Bolshevik plague, which had its genesis in Russia, is the greatest catastrophe in human history. The advent of World War I and its continuation into World War II facilitated dictatorships across the globe. To this day repressive communist regimes still exist and the human rights violations they perpetrate are often ignored or overlooked by the West. Australians cherish the freedom of all people to express their point of view, even if it is different from their own private beliefs. They cherish the dignity of all people, regardless of race, colour or creed. They acknowledge and champion democracy as the only system of government that is a reflection of the will of the people. Of all things, peace is our greatest achievement. Australians are a people of peace. No-one can deny that we have had many failures in times past. However, we have shown the world that the Anzac spirit still lives on in our hearts. We remember our fallen not because of the evils of war but for their commitment to freedom and democracy. We acknowledge that one can show no greater commitment than to lay down their life for a cause.

The Anzac cause was, and always will be, a commitment to peace. In our gratitude, we have worked hard as a nation to champion the freedoms of all those who call Australia home. We are a nation of good people, and I thank our Anzacs for their contribution to reminding us that peace is our most cherished goal. We wear the red poppy as a long-held sacred symbol of the promise of resurrection after death. Although many Anzacs died, they shall live on eternally in our hearts and their sacrifice will always be a guiding light for our nation. I thank the

Hon. Natasha Maclaren-Jones for her heartfelt motion and our brave Anzacs for the example they have given us. I pray that we have the same courage and commitment to live our lives dedicated to peace.

**The Hon. TARA MORIARTY (11:39:12):** I speak in support of this motion and thank the Hon. Natasha Maclaren-Jones for moving it. I acknowledge the words that everyone has spoken today. It is always important that we stop to remember this day and all days like this and acknowledge the sacrifice that so many made on our behalf. Today is Remembrance Day, which marks the signing of the Armistice which ended the First World War. The battles that were fought in World War I changed the lives of every man, woman and child in Australia forever. For a nation that had a population under five million, the loss of more than 60,000 of our own was an enormous number. Another 155,000 Australian soldiers were injured, while 4,000 were taken as prisoners of war. For most, the physical and mental scars never healed and became a lifelong reminder of the atrocities that they had witnessed on the battlefield. That is why the sacrifices made by those who served in World War I can and should never be forgotten and nor should the sacrifices made by the Australian men and women who have served in other wars, battles, conflicts and peace missions.

This year is particularly difficult because, with COVID restrictions, we are not able to properly come together as communities to acknowledge this day. But it is important to stop to acknowledge this day and the sacrifices that were made. Remembrance Day does not usually coincide with a sitting day, so it is quite powerful to be in this Chamber together and to stop for a minute's silence on behalf of the community and on behalf of those who made the ultimate sacrifice. I take particular note of the part of the motion that refers to Remembrance Day in 1993 when the body of an unknown Australian soldier from the Western Front was laid to rest in the Hall of Memory at the Australian War Memorial. I was there.

I should not admit this but my high school was just down the road from the war memorial and I skipped school with a friend to watch then Prime Minister Paul Keating deliver his speech. We were probably 15 or 16 years of age. I am not sure what drew us there to listen to his speech but I am forever grateful that I did. It was one of the most powerful speeches I have ever heard—certainly one of the most powerful moments in Australian history but also in my personal history. It was one of the things that got me motivated about politics and how we can acknowledge these moments. It was a very powerful feeling to be in attendance. It is a very powerful symbol that this person lies in the Hall of Memory as a representative of all those we lost during World War I. I will read onto *Hansard* the first two paragraphs of then Prime Minister Keating's speech, which I know all members will remember because it was one of the most powerful speeches in Australian history. It is important to acknowledge it here today. He said:

We do not know this Australian's name and we never will. We do not know his rank or his battalion. We do not know where he was born, nor precisely how and when he died. We do not know where in Australia he had made his home or when he left it for the battlefields of Europe. We do not know his age or his circumstances—whether he was from the city or the bush; what occupation he left to become a soldier; what religion, if he had a religion; if he was married or single. We do not know who loved him or whom he loved. If he had children we do not know who they are. His family is lost to us as he was lost to them. We will never know who this Australian was.

Yet he has always been among those whom we have honoured. We know that he was one of the 45,000 Australians who died on the Western Front. One of the 416,000 Australians who volunteered for service in the First World War. One of the 324,000 Australians who served overseas in that war and one of the 60,000 Australians who died on foreign soil. One of the 100,000 Australians who have died in wars this century.

He is all of them. And he is one of us.

Lest we forget.

**The Hon. BEN FRANKLIN (11:43:50):** I cite the *Anthem for Doomed Youth*:

What passing-bells for these who die as cattle?  
—Only the monstrous anger of the guns.  
Only the stuttering rifles' rapid rattle  
Can patter out their hasty orisons.

In 1916, in the midst of the Great War, Wilfred Owen expressed his horror at the sacrifice of all of the combatant nations in the Great War. Today we stand as one to acknowledge that sacrifice and to thank God that at 11.00 a.m. on 11 November 1918 the guns fell silent on the First World War. Remembrance Day marks the official ceasefire between the Allied and German forces. A war that many thought would be over by Christmas of 1914, carried on for four long years. For four long years letters were written to mothers telling them their sons would not be coming home. For four long years men watched their friends die horrifically at their sides. At the eleventh hour of the eleventh day of the eleventh month, the First World War was officially over.

Initially known as Armistice Day, the Allied nation chose to use this moment to remember the fallen. On the first anniversary in 1919 commemorative services were held throughout the Commonwealth. Edward Honey, an Australian journalist living in London, proposed the original two-minutes silence and King George V called

upon the entire British Empire to observe those two minutes to commemorate the day which marked the victory of right and freedom. Known as the "war to end all wars", the conflict of 1914 to 1918 was sadly not to be the last. In 1939 men who had served on the Western Front were now watching their own sons enter war as the British Empire once again became enemies with Germany.

It was after the Second World War that Armistice Day became known as Remembrance Day, to include all those who had died in conflicts to protect humanity's right to freedom. Today, 102 years on from that first Armistice Day, nearly 17,000 Australians still remain unknown or unaccounted for on the Western Front. One hundred and two years on those soldiers, and all those who perished with them, remain at the forefront of our minds on this day. One hundred and two years on we still commemorate this day because it is, and forever will be, monumentally significant in Australia's story as a nation. On Remembrance Day we acknowledge the sacrifices of those who have come before us. We acknowledge also those who walk beside us: Our current service men and women who defend our nation both here and overseas. Remembrance Day has come to represent the commemoration of all of our men and women who have died in conflict. It represents our solidarity with our veterans and their families, and it symbolises our deep appreciation of their unwavering commitment to our nation.

As we have paused this morning, there will be countless other communities across Australia that will also commemorate Remembrance Day but, as with many commemorations this year, their services will look a little different to most. I acknowledge the exemption granted to allow 100 people to gather at Remembrance Day services throughout New South Wales, which is so significant to our veterans and their families. Today throughout the State, including in my home region of Northern Rivers, services are being held. I extend my thanks to all organisations and individuals that are facilitating and participating in those events. I am sorry I cannot be with them like usual. I also extend my thanks to all local RSL sub-branches in the Northern Rivers. They have long been an anchor of support for veterans and their families, including the sub-branches of Ballina, Lismore, Kyogle, Byron Bay, Alstonville, Bangalow, Mullumbimby, Brunswick Heads, Billinudgel, Murwillumbah and Tenterfield. I truly believe that we are the lucky country and we will always have our men and women to thank for that. Lest we forget.

**The Hon. ROD ROBERTS (11:48:06):** I speak on behalf of my colleague Mark Latham and the One Nation party to thank the Hon. Natasha Maclaren-Jones for moving this motion. I commend the words of all members who have spoken today. At 11.00 a.m. on 11 November 1918 the First World War ended; it was then known as Armistice Day. As we know, it was a terrible war. At that time Australia was a young, fledgling country. Unfortunately, we paid a terrible toll with the loss of lives of our service men and women, as well as the psychological scars that those who survived brought back with them. But as a world and as a society we did not learn from the horrors and mistakes of that war, and we went on to suffer similarly in World War II.

Today that continues with the Korean War, the Vietnam War, the Iraq War and the war in Afghanistan. Brave men and women of Australia have stood up to be counted, and to represent and protect our country. The Hon. Ben Franklin said we are a lucky country. My oath, we are. But we are only lucky because of the efforts of those men and women who protected our nation. If we did not have those people and if they did not make those sacrifices, we would not be standing in a Chamber of democracy as we are today. With those short words, I commend the Hon. Natasha Maclaren-Jones for moving the motion today. Today all Australians should make sure that they take time to reflect upon the sacrifice that those people made so we can enjoy what we enjoy today.

**The Hon. ANTHONY D'ADAM (11:50:28):** Nothing good comes from war. The First World War was not a Great War; it was a catastrophe. It was a tragic waste of human life and it left a deep scar on our society. It was a divisive conflict in Australia that split the Labor Party and shaped our politics for decades. It was an imperial folly that was fought to prop up the empires of European powers that cared little for Australia and its people. We should always remember that before we embark on foreign adventures at the behest of global powers. I will speak briefly about my maternal grandfather, who went to war in 1915. He fought at Beersheba. He was born in 1899—just think about that. He was a boy and he should not have been there. It was immoral that he was sent. My mother tells me that he never spoke about his war service. I have no doubt he was traumatised by the experience. We should think about that also. He probably thought he was embarking on some kind of Boy's Own adventure, but it was actually a brutalising and horrific experience for him. When we talk about war, we need to be cautious that we do not glorify it. As I said, nothing good comes from war. Lest we forget.

**The Hon. SCOTT FARLOW (11:52:08):** I support the motion of the Hon. Natasha Maclaren-Jones. I recognise her contribution to the service of the fallen, her history as a legatee and the understanding she has of our service men and women who continue to serve and protect us around the world today. Hostilities formally ended at the eleventh hour of the eleventh day of the eleventh month in 1918 after four long, hard years of continuous war. The war that was supposed to end all wars unfortunately did no such thing. On the first anniversary of the Armistice, King George IV personally requested that all people of the British Empire suspend



normal activities for two minutes on the hour of the Armistice, which stayed the worldwide carnage of the four preceding years and marked the victory of right and freedom.

Remembrance Day allows us to pause, reflect and remember the lives of those who fought and all those who made the ultimate sacrifice for the freedoms that we cherish today. Two of those people are family members of mine, including Victor William Clarke, who signed up to the 13th Battalion in Smithfield at the age of 23. Unfortunately, he was killed in action at the age of 25 in the fields of Belgium when troops advanced towards the Hindenburg Line. Victor is remembered at Menin Gate in Ypres. I was fortunate to visit 2½ years ago to remember him, to acknowledge his service and to see the battlefield where he unfortunately paid the ultimate sacrifice and lost his life. I was also able to visit Amiens, which was one of the first places he visited. To pick up on the point made by the Hon. Anthony D'Adam, maybe that was the moment when Victor thought that was his Boy's Own adventure.

Thankfully, we have a postcard that he wrote to his sister in which he said that he looked forward to what was to come. In many ways it was a great adventure for somebody who had never left the country. He was seeing the world for the first time. Unfortunately, that journey was to be very short. His sister, Vera Ethel—my great-grandmother—remembered him by naming her firstborn son after him. Her son would then go on to fight in World War II, thankfully to return.

Another great-uncle of mine William Arthur Miller also paid the ultimate sacrifice in the Great War. He also enlisted in Grenfell at the same age, 23 years and three months. Sadly, he was to be killed in action in 1916 at the age of 24 in Pozières in France. I was able to visit Villers-Bretonneux to see where he is remembered. It is something that we continue to remember with our young generation now. On the centenary of Anzac, I thank all of those who have contributed to ensuring that all of our service men and women, particularly from the Great War, continue to be remembered. I reflect on the books that I have read to my children, which they continue to wish to read: *Anzac Ted*, *The Beach They Called Gallipoli*, *Bobby*, *the Littlest War Hero* and *The Anzac Violin*—all stories that remember the great service of our fallen and that remind us that we need to remember them. Today, on the eleventh day of the eleventh month, we need to remember to remember them. I finish with the words of Lieutenant Colonel John McCrae's famous poem *In Flanders Fields*:

The torch; be yours to hold it high.  
If ye break faith with us who die  
We shall not sleep, though poppies grow  
In Flanders fields.

Today it is incumbent on all of us to continue to remember them, to keep that faith with those who died and to make sure that their loss and sacrifice was not in vain.

**The PRESIDENT (The Hon. John George Ajaka)** took the chair at 11.56 a.m.

**The Hon. NATALIE WARD (11:56:38):** I thank the Hon. Natasha Maclaren-Jones for moving this important motion. I acknowledge the contributions of other members and particularly that of Reverend the Hon. Fred Nile, who spoke of his father going off to war at 17 and his experience there—not once, but twice. I acknowledge those people who are currently serving and thank them for their service. I have a 17-year-old son and I cannot imagine what it would be like to send him off to a foreign country to serve.

As we observed the moment's silence in this Chamber earlier today, I thought about those young men and women who went away and those who passed. I thought of the mothers of those who did not come back receiving that news, having as their last memory waving their sons off and never having the chance to say goodbye. It was a profound feeling and I thank them for their service. I cannot imagine what that was like because it has not happened in my lifetime. I thank them sincerely. I thank the Chamber and all members for observing the moment's silence. It is incredibly important that we stop to acknowledge and give thanks to those who served for us so that we can live in the lucky country that we spoke about.

Today, at the eleventh hour of the eleventh day of the eleventh month, we remember when the guns fell silent across western Europe in 1918 to mark the end of the First World War. We now know that it was not always called Remembrance Day. Following the end of the war, with nearly 13 million people dead and as many as one-third of those with no grave, 11 November was named Armistice Day. It stayed that way until the end of World War II, when it was renamed Remembrance Day. I particularly acknowledge the women who served at that time. We were an extraordinarily young country. At the time war broke out we had a population of fewer than five million. Out of that, 416,809 men enlisted, over 60,000 of whom were killed and 156,000 wounded, gassed or taken prisoner. At the outbreak of World War I, far fewer women than men participated in paid work, and those women who did tended to be in lower paid occupations. Their main role was as homemakers.

The societal outlook changed because of the war, when women were called upon to fill traditionally male roles. Throughout the war, women were rightly defiant and came up with every possible way of assisting, helping

and getting involved in the war movement. Those who were not fighting themselves supported their husbands, fathers, sons, brothers and cousins who were fighting thousands of kilometres away in a foreign land. In an extract from the book *In The Half Light*, by Jacqueline Kent, she talks about life as a child during World War I:

Whenever I came home from school, the house was full of women clicking knitting needles and manipulating dark wool, and making huge quantities of socks, vests, mittens and mufflers, as well as sewing pyjamas and shirts.

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

*Questions Without Notice*

**STRONGER COMMUNITIES FUND**

**The Hon. ADAM SEARLE (12:00:16):** 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 State Archives and Records Authority of New South Wales Executive Director Adam Lindsay has confirmed that there is sufficient basis to investigate the Premier's office for shredding documents relating to the Stronger Communities Fund, what discussions has the Minister or his office had with the State Archives and Records Authority of New South Wales about the matter?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:00:48):** The Executive Director of the State Archives and Records Authority of New South Wales informed me that he had received correspondence in relation to the investigation. From that point, my office has had no involvement in or authority over the assessment, or over the result of the assessment, or the manner in which it is conducted—as is appropriate. I hope it satisfies the honourable member that section 64 of the Act states that the Minister has no control or authority over the State Archives and Record Authority's functions:

... in relation to the giving or refusing of permission for, or approval of a practice or procedure involving, the taking of any action referred to in section 21 (Protection measures).

**REGIONAL ARTS AND CULTURE**

**The Hon. SHAYNE MALLARD (12:02:07):** My question is addressed to the arts Minister. Will the Minister update the House on how the New South Wales Government is supporting independent artists and the arts in regional New South Wales as the sector reopens?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:03:16):** Yesterday I was absolutely delighted to inform the House of the New South Wales Government's \$30 million announcement to restart the arts and culture sector. I spoke about the \$24 million in direct stimulus payments that will be provided to 160 arts and cultural organisations, including regional arts organisations. The funding amounts to companies have been determined on the basis of equity, based on a calculation of average turnover from 2018 and 2019, and capped to a maximum of \$750,000 per company. There is a focus on stimulus funds to mostly annual and multi-year funded clients because of their capacity to best support the sector through job creation, developing new work and providing support to regional New South Wales. I highlight the comments on the funding from Griffin Theatre Company in today's *The Sydney Morning Herald*:

Fiona Hulton, Griffin's interim executive director, said the funding was a game-changer that would primarily help freelance artists who had lost work due to the pandemic shutdowns.

"It means more jobs, it means more art; [the] very small theatre company that we are can spread very widely and broadly, quickly, and make work that goes straight to audiences."

The \$24 million stimulus also includes \$2.2 million being delivered through the Regional Arts Networks, which I spoke about yesterday, including \$130,000 allocated to each of the 14 Regional Arts Development Organisations to deliver targeted support to artists and creatives working right across regional New South Wales.

But it is very important not just to be funding organisations, even though organisations can and do support lots of individual artists and performers, as Griffin's interim director mentioned. We will be rolling out \$2.5 million in strategic initiatives specifically for independent artists, performers and musicians over the next few weeks and maybe months. There will be specific programs targeted for each of them to ensure that we restart our arts and that independent artists, performers and musicians benefit as well—more details soon. Importantly, small volunteer and micro arts organisations will continue to be supported from the \$1.5 million that has already been set aside and a further \$1.75 million will also be available early in the new year for a special competitive funding round for the sector for companies that have not been eligible for funding under the restart package so far. I am really happy with how the restart is going. I believe the sector will be now in a position to plan its future for 2021 and beyond.

**MURWILLUMBAH EAST PUBLIC SCHOOL**

**The Hon. PENNY SHARPE (12:05:41):** I direct my question to the Minister for Education and Early Childhood Learning. Why did the Minister state in her answer on 26 August 2020 to a question taken on notice that "Murwillumbah East Public School upgrade is due to commence in mid-2021" when she has known since February that the school was going to be closed?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:06:04):** I thank the Hon. Penny Sharpe for her question in relation to school infrastructure for the community of Murwillumbah. Following the floods in 2017 the Liberal-Nationals Government committed to delivering a major upgrade at Murwillumbah East Public School. That funding announcement also included a commitment to improvements to high school education in Lismore. I acknowledge the efforts of the former member for Lismore, Thomas George, in securing those commitments. As the Hon. Penny Sharpe knows and has referenced in her question, recently the Government announced that it is planning to deliver an education campus for the community of Murwillumbah, a project that will be in excess of \$100 million.

I acknowledge from the outset that this announcement is different from previous statements, and there is a very good reason for that. The Government is committed to delivering quality learning spaces for students. The Government found that rebuilding the existing Murwillumbah East site was not in the best interests of students and the community. As I said, it is in a flood zone and, as we found in 2017, subject to severe damage during periods of flood. I appreciate that a lot of work was done and a lot of options were put on the table as to what the best future education options were for Murwillumbah. The view was formed that an alternate site was the preferred solution.

A number of existing options were looked at, including expansion of the existing Murwillumbah Public School. This was deemed not to be viable due to the constrained site at that school. After looking at a range of options the decision was made that the most practical location, in the view of not just the department but also education experts, was a co-location on the high school site. After further consideration and analysis the Government has proposed that the best outcome for the community of Murwillumbah will be the construction of a brand new education campus, as I said, on the existing Murwillumbah High School site. At its very core this project has the intention to deliver world-class, future-focused, innovative learning spaces for the students of Murwillumbah and is the first of its kind in regional New South Wales. I am incredibly excited about the opportunities that it presents.

The Government wants to make sure that students have the very best learning environment so they can achieve their potential. In terms of the timing around the announcement of some of these projects, as I said, I have had a range of options presented to me as education Minister. The decision to move ahead with this campus was only made a few weeks before we made the announcement, when we had the final funding agreed to. That is why we made the announcement very soon after, so that the community is aware of what our intention is to do in that part of the world. I am incredibly excited. It is the first time that we have ever done anything like this in regional New South Wales. I think it is a game changer for public education on the North Coast, and I know it will be a great success.

**The Hon. PENNY SHARPE (12:08:53):** I ask a supplementary question. Will the Minister elucidate her answer in which she spoke about the funding for the upgrade being for flood damage? Will the Minister confirm within that elucidation that she announced other upgrades that were happening that had nothing to do with floods?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09:14):** My understanding is that the work included refurbishment of spaces, landscaping and fencing as well as fixing up some of the outdoor area. I am very happy to take the detail of the member's question on notice in relation to work at that school site.

**The Hon. COURTNEY HOUSSOS (12:09:34):** I ask a second supplementary question. Would the Minister elucidate that part of her answer where she spoke about the education campus and how education experts have said this would be the best outcome? Will the Minister explain then if she will commit to a preschool on this education campus?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09:57):** I thank the member for her question. The short answer to the question is that we are absolutely considering opportunities for early childhood education on this site as well. When we were in Murwillumbah to make the announcement I also said—I think in further conversations I had with local media—that we are looking at what opportunities are available. Obviously there will be an opportunity on this site to have a primary school and a high school. We are looking at a range of community facilities which will include consideration of a preschool and early childhood services. It is part of the discussion with the community. We are looking at co-locating a health

hub—the first time we will have done that in regional New South Wales. When we were in Murwillumbah we had a lot of conversations with the school community, particularly the principals of the four schools, about the difficulty for people to access health services. There are opportunities to bring the services down from the Tweed into Murwillumbah. We are looking at shared-use facilities such as performing arts spaces and sporting facilities. All of this is on the table—

**The Hon. Walt Secord:** What are you not going to put on this site?

**The Hon. SARAH MITCHELL:** —and consultation is beginning with the local community.

**The Hon. Walt Secord:** Are you going to put in a McDonald's and a KFC too?

**The Hon. SARAH MITCHELL:** That is just ridiculous.

**The PRESIDENT:** I call the Hon. Walt Secord to order for the first time. That is his fourth interjection.

**The Hon. SARAH MITCHELL:** As I was saying, consultation is starting with the local community as to how we can make this education precinct a real hub, a real central point for the community of Murwillumbah. I am incredibly excited by this investment of well over \$100 million in public education in regional New South Wales. It is exactly the kind of project that we as a government and, frankly, that I as an education Minister from The Nationals are proud to champion. I think it is going to be a wonderful success.

### HORSERACING INDUSTRY

**The Hon. EMMA HURST (12:12:03):** My question is directed to the Minister for Finance and Small Business, representing the Minister for Better Regulation and Innovation. After the latest story about retired racehorses being slaughtered, Racing NSW has called on the New South Wales Government to make it a criminal offence for any thoroughbred horse to be sent to a knackery, even if they have been rehomed to persons outside of racing. Is the Government going to act on Racing NSW's request?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:12:34):** I thank the member for her question. It is certainly a question outside of my immediate knowledge. I will take the question on notice.

### MURWILLUMBAH EDUCATION CAMPUS

**The Hon. SAM FARRAWAY (12:12:47):** My question is addressed to the Minister for Education and Early Childhood Learning. How is the New South Wales Government delivering world-class education facilities for the community in Murwillumbah?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:13:10):** I thank the honourable member for his question. I know that he also has a very strong commitment to regional education. In late October I joined the Deputy Premier, the member for Tweed and my colleague in this place the Hon. Ben Franklin to announce that our Government will deliver a new education campus for the community in Murwillumbah.

**The Hon. Greg Donnelly:** He's everywhere.

**The Hon. SARAH MITCHELL:** He is everywhere on the North Coast; they love him. The multimillion dollar investment demonstrates this Government's commitment to delivering world-class learning facilities for communities right across New South Wales. I am especially proud of this new, high-quality education facility and what it will provide for local students. The new Murwillumbah Education Campus will include purpose-built, architecturally designed and innovative learning spaces. These new teaching spaces will reflect the latest in pedagogical design and ensure that the education offerings for students in this regional community are equal to, if not greater than, that of their counterparts in metropolitan areas.

The Hon. Walt Secord will be pleased to know that the possibilities for the new campus are endless, with an opportunity to deliver a range of community and shared-use facilities including a health hub, sporting and recreational facilities, and also partnerships with vocational and higher education providers. It is certainly my sincere hope that the new campus will help us build ties with local industry and provide more avenues for high school students to experience enhanced vocational training and opportunities to explore higher education, as well as support improved pathways to employment.

As I said in an earlier answer, the new campus will see the two high schools in Murwillumbah come together, located on the site of the existing Murwillumbah High School. It will also see the two primary schools come together, located on the existing Murwillumbah High School site. As Minister for Education and Early Childhood Learning—again, referencing an earlier question from the Hon. Courtney Houssos—I am very pleased that planning for the new campus does include options to co-locate a preschool and early learning facilities.

We know how critical early childhood education is. This is a reflection of our Government's commitment to ensuring that communities across New South Wales are provided with access to these services.

I know that this new campus will be a change for the community of Murwillumbah—I know that and I acknowledge it. I appreciate that. I made those comments when I was there on the day. I also say that this decision was not one that was taken lightly. As I said in an earlier answer, in response to the devastating floods we made commitments to invest in school infrastructure in the community—which was the right decision. After taking time to assess the options, taking into consideration a number of factors, it became clear that this progressive solution is the way forward to offer the best possible education for students in Murwillumbah. To simply fix existing sites was to take a conservative, bandaid approach. I do not think that would have provided a sustainable approach for education. For us, this is about making sure that the community is involved in the process going forward, and we are looking forward to being able to work with them to deliver this. *[Time expired.]*

#### **DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA**

**The Hon. MARK LATHAM (12:16:20):** My question is directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts in his capacity representing the Premier. I draw the Minister's attention to the pecuniary interest returns that Daryl Maguire lodged with Premier Berejiklian in letters dated 2 March, 9 October and 22 November 2017. Why then did the Premier, in her sworn evidence to ICAC, say she had never seen Mr Maguire's pecuniary interest returns, after initially telling ICAC she thought Mr Maguire was financially comfortable because, "He has a pecuniary interest register with a number of interests"? Will the Minister, on behalf of the Premier, explain these inconsistencies? Do they not point to the fact that the Premier received Mr Maguire's pecuniary interest declarations and allowed him to get away with failing to declare financial interests she knew about—such as those of Joe Alha, Charlie Demian and William Luong—in effect keeping the wrongdoing of her secret boyfriend secret, even from her own Ministerial Code of Conduct?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:17:19):** I will take the question on notice.

#### **MURWILLUMBAH EDUCATION CAMPUS**

**The Hon. PETER PRIMROSE (12:17:26):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Further to the Minister's earlier answers, why did it take her nine months to inform students, parents and teachers that Murwillumbah High School, Murwillumbah East Public School, Murwillumbah Public School and Wollumbin High School will be closed?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:17:55):** I never actually thought I would see the day when members in this Chamber and the Labor Party are so upset about record investment in public education in regional New South Wales—but here we are. As I said in my earlier answer, in terms of the timing, this was something that was given due and long consideration by me as the Minister. There was a range of options available, and we looked at all of them. The department did extensive work looking at what were the best options for that community, and we made the decision that this was the right way forward. I back it 100 per cent. I know it will deliver great outcomes for students in that part of the world. It is incredibly important to me that we invest in regional education, and I know that this will be a game changer for the kids in Murwillumbah. I have no doubt about that.

As I said, the funding was finalised not long before the announcement was made, and now we are having that consultation with the school community. We have the opportunity up there for these people—these families, these parents, these teachers, these students—to have a say in what their education precinct will look like from the very beginning. It is extraordinary. I think it is a wonderful opportunity. It is a shame that those opposite are not supporting this. This is a great investment in public education. It is not about closing schools and it is not about some of the scare tactics being used across the table. This is about investing in public education in Murwillumbah and building a world-class education precinct, and we are proud of it.

**The Hon. PETER PRIMROSE (12:19:30):** I ask a supplementary question. Will the Minister elucidate that part of her answer where she spoke about a number of considerations and options as to why this may need to be kept a secret from the local community, parents and teachers? What specific considerations did she have so that this needed to be kept a secret from the local community?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:19:53):** I do not agree that this was kept a secret from the local community. We made a decision that this was a way forward that we wanted to take. As soon as we had that—

**The Hon. Penny Sharpe:** In August the Minister was saying they were upgraded.

**The Hon. Bronnie Taylor:** Point of order: I think we have all been very patient. The Minister has been asked consistent questions. She has been asked supplementary questions. There are constant interjections by the same members across the Chamber when the Minister is trying to answer and those members need to be called to order.

**The PRESIDENT:** Interjections are distracting when they come from the table directly opposite the Minister in a continuous and repeated fashion. I uphold the point of order. The Minister has the call.

**The Hon. SARAH MITCHELL:** I do not agree with the premise of the honourable member's question that this was kept a secret. A lot of work has been done and the principals of the four schools were consulted about this decision. The department took the time to assess a number of factors and to look at a number of options. We looked at population projections, the enrolment and teaching space projections, educational requirements, the current schooling options, sites, locations, sizes and the condition of existing schools. This was not a decision that was made lightly.

I accept this is a big change for the local community and I said that when I was there on the day. We will be consulting with the community but there needs to be something to consult on. We need to tell them this is the plan going forward, that this is the decision we have made because we know it will be in the best interests of students and their education. That is what this is all about. A range of consultation will take place in the years ahead. I say "in the years ahead" because the projected new campus is online for 2024. We have a lot of time to work with the local community about what this new campus will look like, what sorts of opportunities it will present for their children—

**The Hon. Peter Primrose:** Point of order: I ask the Minister to be directly relevant to the supplementary question which asked for those criteria that the Minister used to ensure she would keep this a secret rather than the possible benefits of a school or otherwise.

**The Hon. Bronnie Taylor:** To the point of order: The Minister was directly relevant to the supplementary question. I have been listening carefully and she categorically stated the things that had been considered and that the department had done. She categorically referred to her disagreement with the premise of the question that was asked.

**The Hon. Penny Sharpe:** To the point of order: The Hon. Bronnie Taylor is incorrect. The Minister is not in a position to debate the question.

**The Hon. Don Harwin:** To the point of order: As has been ruled on many occasions, when the facts contained in a question are wrong, a Minister is entitled to refute them without it leading to a debate about the question.

**The PRESIDENT:** I listened carefully to the Minister's answer to the original question and to her answer to the supplementary question. The Minister was being directly relevant in her answer to the supplementary question. It is open to the Minister—to any Minister—to not accept, to refute, to disagree with any part of a question where they do not agree with the factual basis of the question. The Minister was doing that. The Minister has the call.

**The Hon. SARAH MITCHELL:** I look forward to the extensive consultation with the school community as we design this literally from the ground up. It is an incredible opportunity for a community in regional New South Wales to be directly involved in what this cutting-edge, future education campus will look like. I am excited about the educational opportunities this will present for students because that is what this is about. This is about delivering for students in our public education system in regional New South Wales. [*Time expired.*]

#### POST-SUICIDE SUPPORT

**The Hon. TAYLOR MARTIN (12:24:31):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. Could the Minister outline what the New South Wales Government is doing to provide post-suicide support?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:24:55):** I thank the Hon. Taylor Martin for his question. Losing someone to suicide is a tragedy that leaves a devastating and extremely traumatic impact on so many people. We know people bereaved by suicide are at greater risk of suicide than the general population. Last week I was so pleased to announce that the New South Wales Government is investing \$4.5 million in post-suicide support. This will build a specialised workforce that can provide both practical and emotional support, from accessing existing services to explaining a suicide death to young children.

The bulk of the funding—\$4.2 million—will enable StandBy, a not-for-profit organisation, to run a statewide service with the primary focus of supporting bereaved families and friends. In addition, StandBy will support first responders who have attended a suicide death and members of the public who witness or discover a death by suicide, known as zero responders. This coordinated approach to post-suicide support will be co-designed by people with lived experience of suicide and experts in the suicide bereavement field, with services anticipated to commence later this year. Key components will include face-to-face, phone and online crisis support as well as peer, family and community-based support. Anyone will be able to call on an active crisis contact number, which is available 24 hours a day, seven days a week, and speak to a single point of contact who can connect them immediately with pathways and supports.

StandBy will roll out specific support programs for different cohorts including young people, parents, partners, siblings, adult children, men and workplaces. Services will be culturally inclusive and in plain English. The service is designed to offer both immediate support and support to people who lost a person to suicide long ago. Importantly, the services will be integrated into the current system, which includes government services—particularly health, police, education and the Coroner's Court—funeral homes and other local support services. This ensures for effective referral pathways, information sharing and, most importantly, reducing the amount of time a person needs to tell their story.

The investment also includes \$367,000 for Postvention Australia to train counsellors and professionals. This will be via a webinar series, the development of a suicide bereavement care pack, a State directory that can filter services, as well as an online course. This is a very serious issue that affects many people. It affects not only the person but also their families and their communities. We have to make sure we look after these people, these families and these communities. The New South Wales Government remains committed to supporting everyone—absolutely everyone—who is tragically bereaved and impacted by suicide.

#### COVID-19 AND FAMILY SUPPORT

**Reverend the Hon. FRED NILE (12:27:53):** My question without notice is directed to the Minister for Education and Early Childhood Learning, the Hon. Sarah Mitchell, representing the Minister for Families, Communities and Disability Services, the Hon. Gareth Ward. This question obviously follows up the Minister's response to the previous question. Will the Minister update the House on the state of families in New South Wales during the coronavirus lockdown specifically with regard to the rates of suicide, particularly among young people, compared to pre-lockdown periods, the rates of alcohol abuse generally and the rates of spousal domestic violence? What lessons can we learn from this information with respect to future policy development?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:28:53):** I thank Reverend the Hon. Fred Nile for his good question, which raises some serious issues in relation to some of the ongoing effects of the COVID-19 pandemic and what that can mean, particularly for families, in relation to issues around mental health and domestic violence. Obviously, as the Minister representing the Minister for Families, Communities and Disability Services, I am happy to take that question on notice and get advice from the Minister about what they have learned during that period and how it might be useful for future policy consideration. The Minister may also consult our colleague the Minister for Mental Health, Regional Youth and Women in relation to that answer. I am sure that the mental health Minister would be happy to discuss the issue with Reverend the Hon. Fred Nile also at an appropriate time.

#### MURWILLUMBAH EDUCATION CAMPUS

**The Hon. WALT SECORD (12:29:43):** My question without notice is directed to the Minister for Education and Early Childhood Learning. In light of her previous answers today and given the announced changes to northern New South Wales schools, will the Minister guarantee that the other three sites on which the schools are located will not be sold or leased? What will happen to the land?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:30:09):** I thank the honourable member for his good question. Despite some of the allegations that might have been made and commentary, particularly from members opposite and their colleagues in the media, this has absolutely nothing to do with any kind of property deal for developers. We are not looking at anything in that space. What we will do in determining the future of those sites is consult with the local community. As I said, we have until 2024 when the new education campus is predicted to be open. That is the date we are working towards.

No decision has been made yet about the future of those sites because we want to talk to the community about how the sites will be used best. As we do with all sites, we will consider the sites in the context of future education purposes. Should they not be required for that, we will look to other government agencies. We will talk to local government about what we can do for any other potential uses. I understand that some early preliminary discussions have taken place in that regard. Certain organisations and community groups are expressing interest

in being able to utilise the sites. We will have that conversation. We will have that discussion with the community. It may be that the sites are best used as open spaces or public spaces for the community. That is what we will do as part of the consultation: We will talk to the local community about how to best use those sites to benefit the people of Murwillumbah.

**The Hon. WALT SECORD (12:31:40):** I ask a supplementary question. In her answer the Minister said it would not be a "property deal for developers". Will the Minister elucidate her answer by outlining the steps she will take to ensure that property developers are not involved in the consultation process?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:31:56):** As I said, as education Minister, I have the ability and I will stand by what I said. This is about talking to the local community about how we can best utilise those sites. As I said, I am not yet in a position to talk about some of the groups that have approached us who are looking at whether there is a potential use for them. We will do that very openly and transparently as part of the consultation process going forward.

**The Hon. PENNY SHARPE (12:32:27):** I ask a second supplementary question. Will the Minister elucidate her answer as to whether the costings in relation to the project to do with the land include any budget projections that account for lease or sale of the land in the future?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:32:40):** That is a good question. I have talked to the head of School Infrastructure NSW about that. The answer is no; nowhere in any of the budget proposals are we relying on any divestment of this land or making any profit from the land for this new campus or for any other education precinct. As I said, this is about consulting with the local community about how we can best utilise these sites. If we do not need to keep them for educational purposes, we will ask: Is there a community use? Will it be open space or public space? We will have very transparent consultation with the local community going forward.

**The Hon. Walt Secord:** Courtney, write down that she said that at 12.32 p.m.

**The Hon. SARAH MITCHELL:** It is true.

**The PRESIDENT:** I remind members that Hansard specifies the exact time when questions are asked and answered. There is no need for a member to scream out the time. It is done automatically by Hansard, and we thank Hansard for that.

#### STATE ECONOMY

**The Hon. WES FANG (12:33:52):** My question is addressed to the Minister for Finance and Small Business. Will the Minister advise the House how the New South Wales Government is encouraging business and consumer confidence in New South Wales?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:34:10):** It is lovely to be asked another question by the Hon. Wes Fang. I thank him for his question. There is a bit of an air of excitement. We are talking about vaccines, there is a feeling that things are starting to happen and there is an air of excitement. The shadow Treasurer is deadset excited because we have a budget coming next week and we are starting to call the Treasurer St Dominic, with an emphasis on the "Nic". He is going to come along bringing gifts and presents and he is wrapping them all up. How is the community responding to the new positive attitude and the optimism that is around?

I like to be able to say, as a political expression, that we are on the front foot and we are being optimistic about the economy. Where do we go to see how things are actually working? Let us look at the NAB monthly business survey that was released only yesterday, which is very revealing. Business conditions rose for the third consecutive month by four index points—to plus three in October—from minus one in September. Business confidence also rose by seven index points—to plus six in September—from minus one in August. The New South Wales Small Business Commissioner's own survey found that as at the end of October—

**The Hon. John Graham:** You are going to have to ask the crossbench for today's figures.

**The Hon. DAMIEN TUDEHOPE:** Are you talking to me?

**The PRESIDENT:** The Minister will resume his seat. The Clerk will stop the clock. Maybe I should have stopped the clock earlier. Maybe I should have asked the Minister to resume his seat earlier as the interjections continued, but I had this absolute belief that it would stop and that it would not require me to intervene. It was clearly a mistake on my part. I first remind the Minister that he should not encourage interjections. If he does so members should not jump on that encouragement and immediately start to interject. Members should not interrupt me when I am speaking. That is the worst thing that they can do. There is no way that Hansard could keep up with the Minister's answer with those continual interjections. It is not fair to Hansard. The Minister has the call.



**The Hon. DAMIEN TUDEHOPE:** Business confidence rose by seven index points to plus six in October from minus one in September. The New South Wales Small Business Commissioner's own survey has found that as at the end of October some 54 per cent of small businesses are now fairly to extremely confident in future business prospects for the next 12 months, up 10 per cent from the end of September. As I previously noted in the House, the Westpac-Melbourne Institute consumer sentiment index also shows an increase in consumer confidence. [*Time expired.*]

#### PORT STEPHENS KOALA HABITAT

**The Hon. MARK PEARSON (12:38:41):** I direct a question to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts representing the Minister for Energy and the Environment, Matt Kean. Minister Keane is quoted in *The Guardian* on 29 October as expressing his disappointment in the Federal Government's decision to approve the expansion of a rock quarry in koala habitat in Port Stephens. Will the Minister explain to the House the reasons for his disappointment and does his disappointment encompass the recommendation by the Department of Planning, Industry and Environment for the quarry expansion into koala habitat receiving environmental approval?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:39:19):** I thank the honourable member for his question. I do not actually read *The Guardian*, although it does have some excellent articles and is well worth reading from time to time. I did not see that particular article and, frankly, I am not particularly familiar with that development either. The most appropriate thing for me to do in the circumstances is refer the question to my colleague Minister Matt Kean and seek a response for the honourable member.

#### MURWILLUMBAH EDUCATION CAMPUS

**The Hon. ANTHONY D'ADAM (12:40:00):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the announced closure of four northern New South Wales schools and her comments today that the new school will be "the first of its kind", how many other New South Wales schools are facing similar plans?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:40:25):** I do not agree with the premise that it is about closing schools and I made that clear earlier. It is about having a world-class education precinct in Murwillumbah, where we are combining schools for a great educational outcome for the students. As I said before, I am incredibly excited about the opportunity that that presents. I am happy to provide a couple of examples to the member of other schools and other ways we might be working in this space. He might be aware—I know that the Hon. Ben Franklin is—that we have seen benefits of that type of approach with other school communities in the past. Ballina Coast High School, where we amalgamated Ballina High School and Southern Cross Public School, is a new facility that was opened in early 2019. I am pleased to share with the honourable member that there are already positive indications at that new school.

We have seen an 84 per cent lift in the number of year 12 students expected to stay on in 2021, an increase in the subject selection for students in years 11 and 12, a rise in attendance and a reduction in suspension levels. The Ballina Coast High School experience has also seen an increase in teacher retention, which is critically important for our regional communities. We know that when we take that approach in regional New South Wales there is a great success rate. Down the road and across the mountains from Ballina is the new Armidale Secondary College project. The work being done up there is fantastic. The local member, Adam Marshall, is incredibly excited about that because it is showing positive signs. The new facility will open and be occupied by students next year. I visited the site a couple of times and have met with the incoming staff and the existing students. Again, they cannot wait to experience the completed project. What it will mean for them—

**The Hon. Anthony D'Adam:** Point of order: The Minister said that it was the first of its kind. She is spending a lot of time talking about things that have been done in the past. The question was about prospective changes and she is not being directly relevant to the question.

**The PRESIDENT:** I indicate to the Minister that the question asked about what I would see as future rather than past. The Minister has been focusing on the past. To be directly relevant she should be talking about whether there are any future plans.

**The Hon. SARAH MITCHELL:** I am putting in context that there are projects already in place that have been successful. That helped inform us when we made the decision for Murwillumbah. It will be the first in regional New South Wales where we have both the high school and primary school, and things such as the health hub that I spoke about in an earlier answer, opening the precinct up to be the centre of the community. It will look at health options, sporting options, shared facilities and training opportunities. I am excited by that and, as I said, I think it will be a game changer for the area. Of course we will look at the success of the school. It has been a

decision that has been taken seriously. The area lent itself to being able to go with the new campus and we think it makes a lot of sense for that part of the State. It has been successful in other areas where we have co-located schools. As I said, it is an announcement that the Government is proud of and looks forward to delivering.

### **WILCANNIA MISSION CAMPS AND CULTURAL PLACES**

**The Hon. SAM FARRAWAY (12:44:13):** My question is addressed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts. Will the Minister update the House on the recent heritage and Aboriginal Affairs announcements in western New South Wales?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:44:25):** At the invitation of the NSW Aboriginal Land Council [NSWALC] I was very privileged to attend its 400th meeting as a council on 28 October—just last month—at Broken Hill. The NSWALC is a critical and pre-eminent partner of the Government in achieving Aboriginal advancement in New South Wales, and that ongoing partnership is going from strength to strength. At the meeting I announced an investment by the New South Wales Government of \$7.4 million as the first step to begin State-based actions to support the National Agreement on Closing the Gap. The investment not only demonstrates the Government's commitment to closing the gap but also heralds a new era of stronger collaboration and synchronisation with Aboriginal community-controlled organisations. We also had a very long discussion on the good progress we are making towards changing our Aboriginal cultural heritage legislative arrangements in this State.

While I was out west I was also very pleased to announce the declaration of the Wilcannia Mission Camps and Cultural Places as an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974 at a wonderful event held by the Baaka at Wilcannia. The Aboriginal place is significant for its strong cultural value to the Barkindji people and important figures within that local Aboriginal community, such as matriarch Granny Moysey. The Aboriginal place declaration will preserve the cultural heritage, including Granny Moysey's incredible 100-year-old canoe tree which she cut out to make a canoe to travel with her family down the river. For those in the House who have not visited Wilcannia, I strongly encourage them to do so, particularly if they have an interest in beautiful old heritage buildings. I am delighted that it is not just European heritage that is being celebrated in that town now. I congratulate the Wilcannia Local Aboriginal Land Council on nominating the camps as an Aboriginal place and I thank the Elders for sharing their stories of the fringe camps and cultural places with me. I thank NSWALC for inviting me to attend its 400th meeting in Broken Hill. I also thank the people of Wilcannia for the opportunity to visit them to announce the listing of the camps as an Aboriginal place.

### **MALE EDUCATORS**

**The Hon. ROD ROBERTS (12:47:14):** My question is directed to the Minister for Education and Early Childhood Learning. Across New South Wales men make up less than 10 per cent of the educators in the early childhood sector and less than 18 per cent of teachers in primary schools. What is the Government doing to address the gender bias to encourage men to work in the New South Wales education sector as educators or teachers?

**The Hon. Trevor Khan:** I might need a job in a couple of years.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:47:45):** The Hon. Trevor Khan just offered to have a career change, but we will see how we go. I thank the member for his very good and very serious question. He is right, particularly when he talks about—I might use the phrase—gender imbalance in the early childhood space in particular. We have a very low number of male educators, but when I visit early childhood services across New South Wales I see how important it is to have male educators working there. I have been privileged to meet quite a few in my almost four years with responsibility for the Early Childhood portfolio. I think the member is right in terms of what it does for the children, which is it allows them to have access to a positive male role model. I know that every time I visit services that have male early childhood educators they are always very much an integral part of the service. Indeed, the member makes the same comment in relation to the number of male teachers. It is interesting that looking at the figures, he is right in terms of male teachers. That is not always the case when we look at leadership positions in schools. For example, we sometimes have a bit of an imbalance with more male principals or senior teachers. It is something that we are looking at.

I am happy to take on notice the specifics around some of the programs that we have in place to encourage males to the sector, particularly within the Department of Education. Just yesterday we launched an initiative that is coming out in the budget where we are looking at providing tutors to schools. I know that was not specifically what the member asked, but yesterday I met a fantastic first-year teacher whose name is Adam. Adam has a long and proud career in the military and he is now a kindergarten teacher at Eastern Creek. He loves the opportunity to be in the classroom. I think he is a great example of the kinds of people we should be encouraging to come into

the education profession. As I said, I am happy to take on notice the substance of the question around some of the programs that are in place to attract people into the teaching profession.

#### **MURWILLUMBAH EDUCATION CAMPUS**

**The Hon. COURTNEY HOUSSOS (12:49:50):** My question is directed to the Minister for Education and Early Childhood Learning. Given the changes to the four northern New South Wales schools and the Minister's answers in question time today that outline that the Government is also considering putting a health hub and other community facilities on the new site, what is her response to community concerns that the new site will have 30 per cent less land space than the current schools have for students?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:50:19):** I thank the member for her question. As I said, the reason this site was chosen for this new precinct is that it was determined that that was the most suitable site to be able to include all of the new facilities that we want as part of that school. The honourable member asked what is my response to community concerns around certain aspects of it. My response is that I know that many in the community will have many thoughts on this campus, such as what should be included, how it should operate and things like subject choice for students. A lot of discussion and consultation will take place. I encourage anyone in that community who has a view about the school, who wants to provide input as to what should be included in the precinct, to participate and engage through the appropriate forums. There will be a range of opportunities for people to do that.

Since the announcement we have already coordinated project updates and our frequently asked questions documents to be shared with the school community. We have a virtual information room that is scheduled to go live later this week. There will be advertisements in the local paper, notices letter-boxed and communicated by the schools, and the virtual information room will have a lot of information for staff, students, parents, carers and the community more broadly. There is an opportunity for the community to provide feedback through this virtual information room and obviously, during COVID, that is important because we need a way to help get that message out. We also have a community survey that will go live later this year and there will be further information sessions scheduled early in 2021, again taking into consideration what some of the COVID restrictions might be. I encourage anyone in the community who has a view about how we can make this school the precinct that students deserve to get involved in those forums.

**The Hon. COURTNEY HOUSSOS (12:52:09):** I ask a supplementary question. Will the Minister elucidate that part of her answer where she talked about extensive community consultation? As part of that consultation will the Minister consider maintaining any of the schools on their current sites?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:52:25):** I think I answered that in an earlier answer when the Hon. Walt Secord asked me about what we were going to do with the existing sites. I said that we will talk to the community about that. Obviously we always consider any future education purposes, but then we will talk to the community about what else they can be utilised for. As I said earlier, this new education precinct is scheduled for 2024. It is 2020. We have a lot of time to talk to the community about this, and that is exactly what we will do.

**The Hon. WALT SECORD (12:52:58):** I ask a second supplementary question. Will the Minister elucidate her answer in relation to the consultation period? She said that the school will open in 2024, but she has not outlined the actual consultation program. When will the final decisions involving the four sites be made?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:53:14):** As I said, there will be a process that we will go through as part of the consultation with the community. I am not sure how I can be much clearer than that.

#### **EARLY CHILDHOOD EDUCATION**

**The Hon. SHAYNE MALLARD (12:53:38):** My question is addressed to the Minister for Education and Early Childhood Learning. Can the Minister update the House on what the New South Wales Government is doing to support children in their first 2,000 days of life?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:54:04):** I acknowledge the member's interest in an important topic. We know that 90 per cent of a child's brain development occurs before the age of five and there is a wealth of research on how early experiences in the first 2,000 days of life can have flow-on impacts in every decade of their lives thereafter. That is why I am delighted to inform the House that the Government has launched a whole-of-government initiative, Brighter Beginnings, to better support families navigating those first 2,000 days. Brighter Beginnings aims to ensure that children in New South Wales have the best start. It focuses on the crucial period from conception to age five across the breadth of government services. It is about three things.

First, we are looking at how the Government and community can better support families in those crucial first 2,000 days across Health, Early Childhood, Community Services and interactions with Service NSW. By elevating and aligning our efforts across government, we are working to leverage our strengths for the benefit of young children and provide a seamless experience to New South Wales families in those critical early years. Secondly, we want to get the message out about how important the first 2,000 days of a child's life are to their long-term development. Finally, we want to provide easy and timely access to information services for families. This will support parents and carers as they make choices for their child.

As Minister for Education and Early Childhood Learning, I am passionate about this area of work, particularly the focus on increasing participation in early childhood learning and supporting families and educators in the transition to school activities. As a parent, I know how important and often overwhelming this first stage of a child's life can be and the crucial role that we play in those first 2,000 days. That is why I am committed to this priority to create a better and more inclusive experience for families. They have told us that it can often be difficult to access and navigate the support available from pregnancy to school age and beyond. We want to make this journey as simple as possible to ensure that children get the best start in life. We want to simplify and improve the way that families access information services through a number of parenting life navigator tools and a whole-of-government webpage.

Our new life navigator website will provide a one-stop shop of resources for families expecting a baby and will help support them through their child's early life. I was delighted to launch this initiative in Dubbo on 30 October alongside the fantastic local member, Dugald Saunders, who has been passionate about this policy space since he entered Parliament. He mentioned it in his inaugural speech. I could not think of a better area to launch this. With a virtual conference, we brought together Government leaders, policymakers, leading experts and researchers. The event explored the importance of the first 2,000 days of life from health, wellbeing and education perspectives, and opportunities for governments and service providers to work together for improved outcomes. I am excited about this launch. We have got some great opportunities to support families so that every child in New South Wales can have a strong start to their life.

#### HEAT-SMART SCHOOLS

**Mr DAVID SHOEBRIDGE (12:57:03):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Are there plans to implement guidelines that will create heat-smart schools in New South Wales in particular recognition of data showing that students at western Sydney schools are sweltering through summers, with outdoor and indoor environments not appropriate for learning or play and school playgrounds having temperatures reaching 60 degrees Celsius? Are there plans to recognise that the *Environmental Design in Schools* manual falls well short of the binding recommendations about best practice that have been identified by experts?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:57:41):** Mr David Shoebridge has mentioned some issues that I think were also raised recently in a media program. I know about that because I had information about it but, unfortunately, I do not have it with me in the Chamber today. Obviously, we are looking at a range of things in relation to supporting schools and dealing with some of the issues that he mentioned. Clearly, we have our Cooler Classrooms Program. We are rolling out air-conditioning across New South Wales. In terms of the specifics and the quite technical questions that the member asked about some of the issues that were raised in that media program, I am happy to take that on notice and come back to the member with an answer as soon as I have that information.

**Mr DAVID SHOEBRIDGE (12:58:26):** I ask a supplementary question. I appreciate that the Minister says there is a range of things that she and her department are doing. Does that include giving a commitment to the parents of children and children in public schools in western Sydney about their learning conditions over this coming summer, given ambient temperatures rose above 50 degrees Celsius last summer?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:58:49):** As I said, I am happy to take the question on notice. In relation to the earlier answer, we have our Cooler Classrooms Program that is rolling out across the State, including many schools in western Sydney. But I will provide the specifics on notice.

#### RIVERBANK PUBLIC SCHOOL

**The Hon. MARK BUTTIGIEG (12:59:06):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that Riverbank Public School in The Ponds was built five years ago and now has 42 demountables on site, taking up valuable play space, will the Minister investigate community concerns about the lack of planning systems within her department?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:59:35):**

I thank the honourable member for his question. We have 19 projects underway in north-western Sydney, which is the area that the member is referring to. We are building and upgrading 190 new and upgraded schools. We were talking a little bit earlier today about allegations from those opposite about school closures. About 90 schools were closed under Labor, but that is not the question and I will come back to being directly relevant. Our Government is responsible for planning for schools and we were responsible for bringing in school infrastructure in 2017.

We now work very closely with planning and local government in a way that we never have before. We look at future projections for communities. We make sure that when we plan schools that we build them on sites where we know we can expand them. We take all of that into consideration. I am really proud of our track record when it comes to school infrastructure. Over 40 new and upgraded schools opened last year. We are almost at 50 new and upgraded schools so far this year. We have a good track record when it comes to delivering school infrastructure. This Government set up school infrastructure to plan in a way that it never has before and I am very proud of what we have been able to deliver in this space. There is a lot of investment right across the State in relation to school infrastructure, particularly in the area of north-western Sydney that the member has referenced in his question. We stand by the work that we are doing.

**The Hon. MARK BUTTIGIEG (13:01:05):** I ask a supplementary question.

**The PRESIDENT:** As I have indicated previously, supplementary questions are at the discretion of the Chair. It is for the Leader of the Government to determine if question time has expired. The Leader of the Government has the call.

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

**HORSERACING INDUSTRY**

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:01:29):** Earlier today I was asked a question by the Hon. Emma Hurst about horse welfare and rehoming, and about a report from Racing NSW and media reports relating to horses that had been sent to New South Wales knackeries after they had finished racing. In answer to that question the New South Wales Government is committed to supporting a responsible, sustainable and competitive horseracing industry with high standards of animal welfare. Racing NSW was the first jurisdiction in Australia to introduce a rule prohibiting thoroughbred horses from being sent to a knackery or abattoir.

Racing NSW is currently investigating media reports from October 2020 alleging that retired thoroughbred racehorses were sent to knackeries in New South Wales. The initial investigation indicates that Racing NSW does not have jurisdiction over the majority of the identified horses because they were rehomed to persons outside of the racing industry. Racing NSW has stated that it identified that one horse alleged to have been sent to a New South Wales knackery is alive and well in Victoria while another horse only ever raced in Queensland. It has advised that it will prosecute any New South Wales licensed participant found to have breached this rule. It is important to note that once a horse has been retired from the racing industry, their treatment is covered by animal welfare legislation in the relevant State or Territory.

*Supplementary Questions for Written Answers***MALE EDUCATORS**

**The Hon. COURTNEY HOUSSOS (13:03:25):** My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. In her answer to a question today she referred to the Government's announcement around tutoring in schools. Will the Minister elucidate that part of her answer where she spoke about tutoring in schools? Will she outline whether the tutors will be recruited centrally through the Department of Education and what training they will undertake?

*Questions Without Notice: Take Note***TAKE NOTE OF ANSWERS TO QUESTIONS**

**The Hon. PENNY SHARPE:** I move:

That the House take note of answers to questions.

**MURWILLUMBAH EDUCATION CAMPUS**

**The Hon. PENNY SHARPE (13:04:04):** I reflect on the answers given by the Hon. Sarah Mitchell in relation to the closure of four schools on the North Coast of New South Wales. Murwillumbah High School,

Murwillumbah East Public School, Murwillumbah Public School and Wollumbin High School are going to be closed. The Minister has expressed a lot of excitement on today's announcement, saying that she backs this 100 per cent. She has fundamentally misled the community of Murwillumbah for over 12 months. In February this year, the Minister signed off on the closure of those schools. In August in this House, she said that they were going to upgrade the school and that it was going to be done by 2021. Today the Minister has tried to say that this was about flood damage and that is simply untrue. I am very disappointed that the Minister has sought to spin her way out of the gross misleading of the community of Murwillumbah.

The Minister has now said that they are going to consult parents and the community about the closure of their local schools. It is not consultation when the decision has been made and the Government is just going to tell people about the decision and then say that they can have some input into the garden design. That is a gross misrepresentation of consultation and it fundamentally undermines the very special communities that every school has. The Minister stood here and tried to gloss over it today as she said, "Yes, we're doing flood damage", and, "Yes, we're going to consult people." The P&Cs at those schools have been doing incredible work for a long time on the upgrades that their schools need. The amount of work that would have gone into how the upgrade at Murwillumbah East needed to be dealt with, what needed to be included and the way that they dealt with the flood management would have been literally hours—

**The PRESIDENT:** The Clerk has brought to my attention that the clock was not started. The member has one minute and 30 seconds left.

**The Hon. PENNY SHARPE:** I will get to the point. Let us just say that a fraud has been committed on the communities of Murwillumbah. Those local P&Cs—the people that do hours and hours of voluntary work looking after their school, caring for their kids, working with their teachers and working with community members to build a community around those kids and those schools—are gone, with the stroke of a pen. The Minister is now saying, "You've just got to suck it up, people, and deal with it." That is not consultation and it is extremely disappointing. I say to members who are saying that this is the new way forward that the Minister also failed today to explain whether this is the new way forward and how many other communities—how many other small schools across the State—are going to be on the chopping block because the department has decided that it is cheaper and easier to merge kids into one giant campus so that it is easier for them to manage.

While the Minister can talk about learning spaces and about making it all look shiny and new, let us remember that that does nothing for the teacher in the classroom and their ability to be connected with their community, to work with the parents in that community and to actually deliver the quality education that every child in the school needs. My final comment is that there were interjections from the Hon. Bronnie Taylor that talked about getting involved and being positive. It is a bit hard to get involved and be positive when the decision has been made. [*Time expired.*]

## STATE ECONOMY

**The Hon. MARK LATHAM (13:07:55):** I take note of the answer by the Minister for Finance and Small Business anointing the Treasurer to be the new Saint Dominic. It is interesting to go to the historical record of the original Saint Dominic, a very fine Castilian who inevitably made his way to Rome. I find in the historical record that he took up residence in the basilica of Santa Sabina. To do so, they had to expel an ageing monk from that facility. How similar that is to what happened in the Epping electorate before the last election. Those historical parallels are amazing. We then find out that Saint Dominic refused to eat meat. He was a vegetarian. Again the conservative wing of the Liberal Party are selling out to the animal justice mob, the crazy lefties and the extreme of politics. But I can report to members that Saint Dominic, like the Hon. Mark Pearson, did eat fish. He was happy enough to eat fish. I further read in the historical tribute to the great man that when he was travelling, he was always barefoot and the rain and the other discomforts never diverted him from praising God. He selected the worst accommodations and the meanest clothes.

Surely a man of such humble origins and simple tastes will look after the public housing estates of Claymore and Airds in Campbelltown in the budget, to ensure that they get a long-awaited injection of funds to fast-track the public housing redevelopment for those tenants who were first denied that funding 25 years ago by John Fahey and then Barry O'Farrell. Surely Saint Dominic will give absolute priority to the housing estates in Campbelltown that need urgent repairs. Of course, the serious issue is that the 10-year delay in finishing the works has left people living in a construction zone and in the worst circumstances.

When I visited Claymore Public School, I was told that the uncertainty and residential movements over a long time were a drain on the efficiency and work of that school, which is a very disadvantaged school. I share in the tribute to the current member for Epping to be the new Saint Dominic and I look forward to the budget. Surely he will look after the humble, the needy and the disadvantaged in New South Wales. We do not actually know

what happened to the ageing monk who was expelled from the basilica. Perhaps he landed in a higher place and found a higher purpose in life, as have members of the Legislative Council.

### MURWILLUMBAH EDUCATION CAMPUS

#### WILCANNIA MISSION CAMPS AND CULTURAL PLACES

**The Hon. SHAYNE MALLARD (13:10:35):** Stuart Ayres was a graduate of St Dominic's at Kingswood, which was the mortal enemy of my school, Cambridge Park High School, so there are a lot of Saint Dominic parallels. I take note of answers given to questions today by the Hon. Sarah Mitchell and the Hon. Don Harwin. I am flabbergasted that members opposite have criticised the Government for having the tenacity to invest in education in regional and rural New South Wales. It is okay to build campuses in Parramatta, to open a new school at Cleveland Street, Redfern, and a new multi-campus at Alexandria—those are a few that I know offhand—but do not dare do it in regional and rural New South Wales. Do not invest in the rural and regional areas; just invest in the city. That is okay for Labor. From the establishment of the Government of New South Wales to today, 7,500 public schools have been opened. Today there are 2,500. If we go back to Labor's policy, we will go back to the chalkboards and teachers will arrive by horse. My great-great-auntie rode a horse to Liverpool Public School to teach kids. Labor has talked about redundant thinking and it has not allowed modern thinking in terms of education. The campus at Murwillumbah sounds like one of the most exciting opportunities for the community and for young people that I have seen.

**The PRESIDENT:** Order! There will be no more interjections. I call the Hon. Courtney Houssos to order for the first time.

**The Hon. SHAYNE MALLARD:** That is an opportunity to bring together the high schools, the primary schools and the infants. I was excited to hear the Minister say in her answer that the new campus will involve community uses and shared facilities, including a health hub, sporting and recreational facilities and, most importantly, vocational higher education training. There is an opportunity to provide economies of scale and to bring all of the thinking and enthusiasm of those young people and their teachers into a new teaching environment. Today the Minister used a word that I had to look up: pedagogical. I love when we get a new word in question time. Of course, pedagogy pertains to teaching. To the Hon. Mark Latham, I say that I am afraid those words are not taught at a State school. That school will be the latest design in teaching.

A consultation process has started. I commend the Minister and the Government for the investment in the next vision for education in our society. If it is good enough for the inner city and for Parramatta, it is good enough for rural and regional New South Wales. I do not have much time left, but I will turn my attention now to Minister Don Harwin's answer. I commend the Minister for his answer and for attending the NSW Aboriginal Land Council's 400th meeting. If I had time I would have spoken about the importance of the national agreement, Closing the Gap. That \$7.4 million in funding is just the start. The State really needs to focus on its Closing the Gap responsibilities. [*Time expired.*]

### STATE ECONOMY

#### MURWILLUMBAH EAST PUBLIC SCHOOL

**The Hon. WALT SECORD (13:13:45):** As the shadow Treasurer I make a brief contribution on the answers given by Ministers in the Chamber today. First, I take note of answers given by the Minister for Finance and Small Business, representing the Treasurer. A month ago the Treasurer warned about hubris when he said that the unemployment figures would bounce around in these uncertain times. It is extraordinary that the Minister for Finance and Small Business would crow about the economy. Last month the Australian Bureau of Statistics data on building approvals showed that New South Wales was sixth out of six States in Australia. The CommSec *State of the States* report showed that we were equal fourth with South Australia. New South Wales used to be the engine room of the Australian economy. It used to rampage over other States. Under the Government we are now the last of the eight jurisdictions in relative unemployment. The official unemployment rate is 7.2 per cent. That is the highest it has been in 22 years. New South Wales is sixth in retail spending and fifth in vehicle registrations.

I will turn to the issue on the North Coast and cite a recent visit by Labor leader Jodi McKay, the Hon. Adam Searle and the local member for Lismore, Janelle Saffin. They tapped into community anger about the closure of the schools on the North Coast. In answer to more than a dozen questions in the Chamber today, the education Minister was unable to give a reassurance to the community. In fact, she probably incited more uncertainty when she refused to spell out the consultation process, which has been revealed to be a sham. The Minister has already made the decision. In fact, she misled the Chamber earlier this year when she said that no decision had been made. It was clear that a decision had already been made. Clearly there was a property deal to amalgamate the schools, to sell three pieces of land and to put all of those students onto one piece of land. Then the Minister talked about adding a health precinct and other things. That is extraordinary. It is simply a property

deal. I will end with one small observation. In her answer the education Minister referred to a recent visit to Dubbo. She spoke about the local member, Dugald Saunders. I make a bold prediction today: That man will be a oncer. I thank the House for its consideration.

#### MALE EDUCATORS

**The Hon. ROD ROBERTS (13:16:34):** I take note of the answer that was provided by the Hon. Sarah Mitchell in relation to my question. I acknowledge that she said that she would take part of the answer on notice and come back to me. I look forward to her answer as to what the Government's strategy is to fix the imbalance between male and female teachers in primary schools in New South Wales, because I have her own department's statistics, the *2013-2019 Gender Analysis of School Teachers*. I can report to the Chamber that since 2013 the number of male teachers has decreased. It is with great interest that I await the Minister's answer as to what strategies the Government has in place and how successful those strategies actually are.

#### STATE ECONOMY

**The Hon. WES FANG (13:17:42):** I take note of the fantastic answer that was given by the Minister for Finance and Small Business about what the Government is doing to support consumer confidence in New South Wales. Businesses, consumers and members of New South Wales know that the Government is doing everything it can in the face of a very challenging and unprecedented pandemic. The Minister referred to three separate surveys that indicated that confidence in the New South Wales economy was trending in the right direction: It is trending up. The NAB Monthly Business Survey showed that business confidence is now firmly in the positive. The Minister spoke about the six-point increase in New South Wales business optimism, which is fantastic. That shows that New South Wales businesses are prepared to get out there and have a go. That provides confidence to employees and members of the public alike. The Small Business Commissioner survey indicated that the majority of small businesses are now fairly confident to extremely confident in the future business prospects for the next 12 months.

It is fantastic that consumer confidence in New South Wales rose 17.6 percentage points from September to October. That is a sure sign of the New South Wales Government's commitment of \$16 billion in stimulus measures to get us through the pandemic. The \$656 million in support, recovery and border grants for small businesses is doing what it was designed to do: delivering confidence in the economy. I pay tribute to the Minister for Finance and Small Business for his fantastic answer. I also pay tribute to the Treasurer who has been working incredibly long hours to deliver the stimulus and in preparation for the budget. The Minister for Finance and Small Business was glowing in his critique of the Treasurer. We say good luck next week to Saint Dominic because New South Wales is trending in the right direction.

#### MURWILLUMBAH EDUCATION CAMPUS

**The Hon. COURTNEY HOUSSOS (13:20:44):** In question time today my Labor colleagues and I asked a series of questions about the Liberal-Nationals Coalition's decision to close two local primary schools and two local high schools at Murwillumbah and to merge them at the current Murwillumbah High School site. That decision was announced during the parliamentary break, but in documents provided to the House under a call for papers it was revealed that the decision was actually taken in February. The announcement last week took the community by surprise. The local media reported it as having been blindsided. The community was also blindsided by the responses to our questions in this House in August about upgrades promised to address flood damage that had occurred at Murwillumbah East Primary School in 2017—after two years there had been no progress on these promised upgrades. The Minister said that the upgrades were underway and that they would be completed at the end of 2021. Serious questions need to be asked.

**The Hon. Ben Franklin:** Point of order: I note that the clock is still on two minutes and 59 seconds.

**The PRESIDENT:** The clock has frozen.

**The Hon. Ben Franklin:** I am very fond of my colleague, but I think she has spoken for more than one second.

**The PRESIDENT:** I estimate that the Hon. Courtney Houssos has been speaking for more than 30 seconds but in fairness to the member we will restart the clock at two minutes and 30 seconds.

**The Hon. COURTNEY HOUSSOS:** Thank you. This raises serious questions about whether the Minister has misled the House. She made the decision in February in response to a direct question about upgrades and she reported that they would be completed in 2021. The community is demanding answers. We heard some big promises during question time today—a new health hub, community facilities are being considered and there might be a preschool or an early childhood centre on site. Any logical assessment of closing schools and merging four schools onto one site means that less land will be available. The Government can make these big promises



but this means that students at the new site will have less play space, less open space and less ability to play outside. They will be more constricted than they are at their current school sites. Has that been taken into consideration when these big promises are being made about what is to be delivered? The extensive community consultation the Minister tried to claim took place after a decision had already been made is an absolute farce. That is just pouring petrol onto the fire that is going through the community at the moment about how the issue has been handled.

I will reflect upon my own experience in completing high school at Foster high. It was clear on enrolment data that there would be the need for either a new high school or an expansion. I remember my parents going to consultation after consultation. There was a long community debate about what the best decision for our community was. The people of the Northern Rivers were deprived of the opportunity to publicly discuss the options and decide what was best. Instead, a Minister and a department in Sydney, too busy trumpeting about the fact that this was the first of its kind, did not listen to the local community about what they wanted. It is a big decision for a parent to drop their child off, especially when they are starting school in kindergarten, at a new mega school that they had no say in. Today the community has been told that they will be consulted. They will have their say; it will be at the ballot box in 2023. *[Time expired.]*

### POST-SUICIDE SUPPORT

**The Hon. TAYLOR MARTIN (13:24:55):** I take note of the answer given by the Minister for Mental Health, Regional Youth and Women to my question regarding post-suicide support. Losing a loved one to suicide—whether it is a friend, family member or a member of your community—is a devastating and traumatising experience. I commend the Minister for the investment to build a specialised workforce that can provide both practical and emotional support, from accessing existing services to more difficult topics such as explaining a suicide death to a young person. This statewide service will support bereaved families and friends. I am glad the Minister has taken the initiative to assist first responders and members of the public who witness or discover a death by suicide, known as a zero responder.

I am pleased that the Government is making this investment because, if circumstances were different, last year I would have been a zero responder to the suicide of one of my best friends. It just so happened that I was there at the right time—seconds away from him ending it. It was pleasing that the Minister was able to give us an update today on the support that will be available to the people known as zero responders. This coordinated approach to post-suicide support will be accessible to everyone in the New South Wales, as it should be. It will include face-to-face, phone and online crisis support; and peer, family and community-based support, which is of the utmost importance in these circumstances. The service is designed to offer both immediate help, as well as ongoing assistance beyond the initial aftermath, including for those people who lost a person to suicide a long time ago. I commend the Minister on this initiative and investment.

### MURWILLUMBAH EDUCATION CAMPUS

#### RIVERBANK PUBLIC SCHOOL

**The Hon. ANTHONY D'ADAM (13:27:19):** I take note of the answers given by the Hon. Sarah Mitchell today. We heard about the decision made to close four schools on the North Coast. The Minister suggested that there would be community consultation after that decision had been made. The Minister misunderstands the fundamental concept of consultation. Consultation is where I say, "I am thinking about doing something. What do you think?" Making a decision and then saying, "I am going to do this. I have already decided. Now, what do you think?" is not consultation. It is very illustrative of the approach taken in this department: A we-know-best approach that is so condescending.

According to the department the educational experts have said it is the best outcome. What about parents? When do parents get to have a say about the best outcome? As a courtesy all parents should be asked what they think about such a fundamental change to the schools in their community. This goes to the failings of the Minister. In considering this proposition the Minister should have asked the department what the community thinks. If she had asked the department then she would have understood that the community had not been consulted. A good Minister would have consulted with the community before embarking on this proposal. The Hon. Shayne Mallard said this is an exciting proposition. If it was such an exciting proposition, the Minister should have backed herself, taken the argument to the community and won the argument before making the final decision.

I want to talk briefly about the question asked by the Hon. Mark Buttigieg in relation to Riverbank Public School at The Ponds. It was a question about a fundamental failing in the school's infrastructure directorate of the department. This school is only four or five years old and it now has 42 demountable classrooms. How could the department have got it so wrong? Why has the Minister not asked what is going on and how the department made such a significant error in the estimation of the demand in that area? Instead, she said she was very proud that they

are doing great work. This is a Minister who should ask some more questions before she jumps to conclusions like that.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. BEN FRANKLIN (13:30:35):** It is with absolute pleasure that I talk about the overwhelming issue in question time today: the Murwillumbah Education Campus. I start by putting this whole debate into context. The New South Wales Government is investing \$6.7 billion over four years to deliver more than 190 new and upgraded schools to support communities across the State. This is the largest investment in public education infrastructure in the history of this State. Let us compare that to what Labor did when it was in office: Labor shut 90 schools. Labor talks about the Government closing schools, calling it an appalling outrage. Hypocrisy, thy name is Labor. It is outrageous for Opposition members to stand here and cry crocodile tears when they closed 90 schools. But, of course, we are not closing these schools. I will go through the four fundamental arguments that were raised in question time today.

First, the Deputy Leader of the Opposition, the Hon. Courtney Houssos, and others said that we are closing these schools. We are not. In fact, the Hon. Courtney Houssos knows that because she had to slightly wind back her comment to say that the schools are merging on the new site. That is true. We are relocating these schools onto one new site, one new 16 hectare educational precinct—an extraordinary educational precinct. The schools are not being closed. Second, was the argument in relation to consultation. As my honourable colleague the Minister for Education and Early Childhood Learning said, when you consult you have to have something to consult on. That is why we put a proposal for Murwillumbah before the people, to talk to them about what needs to happen. I hear members ask: What is this consultation process? It is letterboxing information, putting it in the local newspapers—

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

**The Hon. BEN FRANKLIN:** —getting information out through the schools and putting out a survey to the community. In fact, this week we are launching a virtual information room. It will have all of this information, all of the feedback and portals which the community will be able to access. From early 2021 there will also be in-person community engagement sessions. To me, that sounds like an absolutely appropriate level of consultation for the next three years. Remember, these schools are only going to be built to operate in 2024. It is now 2020; it is a long time for us to engage with that community. What will the outcome be? The outcome will be one of the most extraordinary educational precincts in the country. I can say that from experience because I have seen how it works in Ballina.

In Ballina we combined two local high schools and we made an extraordinary high school—Ballina Coast High School. Attendance has gone up, suspensions have gone down and teacher retention has gone up. I know there were some challenges in the community because change is tough—it is challenging—but that community now loves the school. The teachers, under the extraordinary inspirational leadership of Janeen Silcock, the students and the community are passionate about it. What are we doing with the old site there? The old high school is now the focus of distance education in that entire region. Much has been said in this debate but I am very comfortable in saying: \$100 million being invested in one of the most cutting-edge, nation-leading educational precincts in the country on the North Coast of New South Wales is something to be applauded.

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

**Motion agreed to.**

### *Deferred Answers*

### RIVERINA CONSERVATORIUM OF MUSIC

In reply to **the Hon. ADAM SEARLE** (21 October 2020).

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

I refer to my answer given in response to questions asked by the Hon. Penny Sharpe in Question Time on 21 October. The question makes an assumption which has been explicitly rejected by the Premier in evidence she gave to the ICAC.

### THE HON. GLADYS BEREJIKLIAN

In reply to **the Hon. PENNY SHARPE** (21 October 2020).

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

I refer you to the Leader of the Government, Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts' first answer in this Question Time exchange.

### WYANGALA DAM

In reply to **the Hon. ROBERT BORSAK** (21 October 2020).

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

1. The New South Wales Government has partnered with the Federal Government to deliver \$650 million for the upgrade of Wyangala Dam. The final business case for the project will assess financing options to inform a decision on the funding source for the New South Wales contribution to the project.
2. The basis of planning by WaterNSW is that Wyangala Dam remains operational during construction. Throughout the development of the Business Case, WaterNSW will be working closely with contractors to develop solutions that ensure the construction works avoid impacts to operations of the dam. WaterNSW is committed to minimising disruption to local communities and water users within the Lachlan Valley during construction of the project.

WaterNSW will continue to keep the community and stakeholders updated as this project progresses.

### MANLY FERRIES

In reply to **Ms ABIGAIL BOYD** (21 October 2020).

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

I am advised:

No decision has been made on the future of the Freshwater class fleet. They will operate over summer and Transport for NSW is currently investigating options for their future.

Introduction of a new generation of Emerald Class ferries is an opportunity to provide our valued transport customers with a much more frequent service and journey time improvements.

### STYX RIVER STATE FOREST

In reply to **Ms CATE FAEHRMANN** (21 October 2020).

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

After the koala was sighted, Forestry Corporation of NSW and the New South Wales Government undertook searches and site inspections. I am advised Forestry Corporation of NSW also implemented tree retention prescriptions and created a temporary exclusion zone. No further koalas or koala seats have been observed at the site to date.

The New South Wales Government does not currently have a proposal to add the Styx River State Forest to the State's protected area network.

### UNIVERSITY OF NEWCASTLE

In reply to **the Hon. WALT SECORD** (21 October 2020).

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

I am advised that New South Wales public universities are autonomous institutions, with total responsibility for their academic offerings, courses of study, and administrative systems.

I am further advised that the University of Newcastle has formed a working group to develop options for a re-imagined performing arts offering from 2022.

I understand that the New South Wales Government is committed to addressing teacher shortages in rural and remote areas. A range of financial and non-financial incentives are in place to attract and retain quality teachers in rural and remote areas. The Department of Education is currently reviewing these incentives to maximise outcomes. The department is also developing a long-term Teacher Supply Strategy to boost supply of quality teachers across the State.

### FLOODPLAIN HARVESTING

In reply to **the Hon. MARK BANASIAK** (22 October 2020).

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

The New South Wales Government is implementing the Floodplain Harvesting Policy, including licensing, measurement and management of floodplain harvesting under the Water Management Act 2000 from 1 July 2021.

As requested by members of this House the Government tabled Crown Solicitor's advice relating to floodplain harvesting, alongside the provision of advice from Parliamentary Council that confirms the disallowed regulation could legally be made.

I am aware of the amendment to the Water Management Act that the member for Barwon is proposing.

My draft regulation, which incorporated feedback from non-government members of Parliament, will implement a sunset clause, bring forward the measurement and notification requirements for floodplain harvesting, and would have come into effect sooner than any other pathway, had the Legislative Council supported my rescission motion.

The Legislative Council, during debate on the rescission motion last night, resolved that there was not sufficient ambiguity in the law to warrant supporting the Government's regulation.

The Government respectfully disagrees that there is certainty without the regulation, and will be re-introducing the regulation in January to ensure that farmers are given certainty until our licencing regime is in place on 1 July 2021.

### *Written Answers to Supplementary Questions*

#### **MADE IN NSW FUND**

In reply to **the Hon. WALT SECORD** (10 November 2020).

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

The Made in NSW announcement on November 7 of \$175 million over five years for the Made in NSW fund, will provide opportunities for New South Wales production companies to apply for support for high end TV drama projects and for new feature films.

Previously local high -end TV drama projects were eligible to apply for Made in NSW funding, and 39 TV drama series have been funded through Made in NSW since the introduction of the fund in 2016/17.

TV drama projects that have been supported through the Made in NSW fund to date are:

<i>Wake in Fright</i>	<i>The Other Guy 2</i>	<i>The Secrets She Keeps</i>
<i>Friday on My Mind</i>	<i>Bite Club</i>	<i>The Commons</i>
<i>Janet King 3</i>	<i>Rake</i>	<i>5 Wakefield</i>
<i>Love Child 4</i>	<i>Sando</i>	<i>Royal Flying Doctors Service</i>
<i>The New Adventures of Monkey</i>	<i>Lambs of God</i>	<i>The Unusual Suspects</i>
<i>Mr InBetween</i>	<i>Reckoning</i>	<i>Informant 3838</i>
<i>Fighting Season</i>	<i>Upright</i>	<i>New Gold Mountain</i>
<i>Pulse</i>	<i>Les Norton</i>	<i>Doctor Doctor 2</i>
<i>The Secret Daughter S2</i>	<i>Total Control</i>	<i>Doctor Doctor 3</i>
<i>Riot</i>	<i>Total Control 2</i>	<i>Doctor Doctor 4</i>
<i>Mystery Road</i>	<i>SeaChange</i>	<i>Doctor Doctor 5</i>
<i>Mystery Road 2</i>	<i>Operation Buffalo</i>	<i>Dead Lucky</i>
<i>The Other Guy</i>	<i>Playing for Keeps 2</i>	

In addition to the Made in NSW fund, Screen NSW also administers the Production Finance fund and the Regional Filming Fund to support the production of local screen content. Projects that have been supported in 2019-20 and 2020-21 to date are:

2019-20

#### **Feature Films**

*The Drover's Wife: The Legend of Molly Johnson*  
*Blaze*  
*The Unknown Man*

#### **Factual Series**

*Disposable Me*  
*Miriam Margolyes - Almost Australian*  
*Come Fly with Me*  
*Attenborough's Life in Colour*  
*Australia in Colour s2*  
*Dark Emu*  
*Back to Nature*

#### **Feature Documentary**

*Under the Volcano*  
*Kindred*  
*The Fight Together*  
*Dark Arts*

#### **Factual single**

*Jenny and Linda*  
*The Science of Success*  
*The Bowraville Murders*

#### **Children's TV**

*Hardball*  
*Little J and Big Cuz*  
*Teenage Boss S2*

*See What You Made Me Do*

*Cancer Killers*

*Democracy for Sale*

**Web Series Cooked**

*Ding Dong I'm Gay*

**TV Drama/Comedy**

*Bump*

*Eden*

*Preppers*

*Amazing Grace*

**2020-21 to 10 November 2020**

**Feature films**

*Wyrnwood*

*Here Out West*

**Factual Series**

*Finding the Archibald*

*Australian Country Music*

*Love on the Spectrum S2*

**Feature Documentary**

*When the Camera Stopped Rolling*

**Factual Single**

*Can Science Prevent Suicide?*

**Children's TV**

*The Deep 4*

**TV Drama/Comedy**

*Frayed S2*

*Total Control S2*

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

*Private Members' Statements*

**AUSTRALIAN FEDERAL POLICE EXECUTION OF SEARCH WARRANTS**

**The Hon. SHAOQUETT MOSELMANE (15:03:08):** Yesterday the President read to the House a letter from the Australian Federal Police [AFP] concerning their investigation that has involved the execution of search warrants on my home and Parliament House office. Today I have some important information about those matters that I believe will be of interest to the House and to all honourable members. I take this opportunity to thank the Hon. Mark Latham for giving me his timeslot for this private member's statement. From the moment that the search was undertaken at my home, I was informed by numerous Federal agents of the Australian Federal Police that I was not a suspect or in any way a person of interest with respect to the commission of any crime whatsoever.

My legal representative who attended the search that morning from 7.00 a.m. until 1.00 a.m. the next day was assured by several of the Federal agents in attendance that I was not a suspect. Recently the Australian Federal Police have released copies of recordings of conversations that were undertaken when the searches were executed at my home and my parliamentary office. In one of the transcripts of a conversation between me and the Australian Federal agent, the following appears:

So, in relation to the third condition, the allegations—it's just stepped out. So, these are—as I said to you before, these aren't allegations directed at you as a suspect, okay? They are allegations that are relevant to the investigation. However, information known to the investigation would suggest that there is potentially information at this location relevant to the investigation, and relevant to these allegations. So the allegations, which again are not directed at you, relate to this particular provision of the Criminal Code. And I appreciate you may not be familiar with that, in particular.

There further appears the following comments from the Federal agent:

That's essentially the basic nature of the investigation, but ... as I have reiterated to you a number of times, you are not considered a suspect in relation to this investigation.

There it is in black and white. At no time was I ever the subject of a warrant that asserts that I was an offender or a person of interest with respect to the commission of any crime whatsoever. The letter from the AFP's Assistant Commissioner Mr Lee that was read onto the record by the President yesterday in this House refers to investigation of offences, being breaches of sections 92.3 (1) and 92.3 (2) of the Commonwealth Criminal Code 1995. Insofar as those offences are concerned, I continue to assert that I am not the focus of the investigation or in breach of any law. Further, Mr Lee described the determination of the privilege claim by the New South Wales Parliament as considered and appropriate. Finally, I thank my colleagues for their warmth in welcoming me back into this Chamber.

**ORDERS FOR THE PRODUCTION OF DOCUMENTS**

**The Hon. MATTHEW MASON-COX (15:06:21):** Welcome back to the Hon. Shaoquett Moselmane. I reflect upon the recent round table that was held at the behest of the President to discuss orders for the production of documents under Standing Order 52, how this place goes about that process and how we might improve that process. I cannot help but refer to the *Notice Paper* today but in the form in which it was last night. There were 22 calls for papers for consideration, which I think have been culled a bit for today's purposes. Certainly a lot of

material is being sought by the Opposition and the crossbenchers, as is their right. I state at the outset that I think it is an important power of this House. Members would be aware that it has been reaffirmed in court cases. *Egan v Chadwick* in 1999, being the most recent, made very clear the role of the upper House and its ability to source documents through that important power. In that regard it is a power that has evolved over time. We saw in the last Parliament the move towards enforcing that power and clarifying what documents Standing Order 52 applies to. Just how far that power should apply has been a source of dispute between the Government and those opposite.

The benchmark that the Government has is that essentially the decision by Justice Meagher in *Egan v Chadwick*—where essentially no Cabinet documents should be provided, full stop—would be the correct interpretation in that regard. Obviously members opposite and members on the crossbench have forcefully pushed back that the interpretation should be more that of Justice Priestley—that all Cabinet documents be provided—or indeed Chief Justice Spigelman's interpretation that documents should not be provided if on their face they record a Cabinet decision. This will continue and the procedural development of this House has certainly seen some strong consideration of these issues. It is still highly contested but I note that the steps from Mr David Shoebridge in relation to the new sessional order that was passed yesterday are really important. As members have said, it is about building trust. We need to start to build trust in this area so we can ensure that the House has its requisite powers but that they are exercised in a way that is not seen to be vexatious.

### TRIBUTE TO MR PETER SIMPSON

**The Hon. MARK BUTTIGIEG (15:09:31):** On 24 September 2020 Peter Simpson passed away. He was the former Secretary of the Electrical Trades Union Queensland and Northern Territory branch and the former President of the ETU nationally. I express my heartfelt condolences to Peter's wife, Penny, his family, friends and former colleagues. Peter was affectionately known as Simmo. He was raised in the country town of Harden. At 17, Simmo started his career as an apprentice trainee linesman in Young at the South West County Council. He later relocated to Queensland. During his time working as a shop steward, Peter helped re-establish the union following the South East Queensland Electricity Board dispute. Simmo became a State organiser after 17 years as a member of the ETU. Later he was elected to Assistant State Secretary under Dick Williams. On 9 May 2009 Simmo became State secretary, which was a position that he retained until June 2016. Devastatingly, Simmo had to resign following a diagnosis of melanoma.

Peter will always be remembered as a man of enormous courage and vigour. He never stepped away from an issue when it became too hard. He was known by all to be an individual of the highest integrity and with the strongest commitment to improving the lives of workers and fighting for their rights and, therefore, he commanded the respect of employers and politicians. He was a man of his word: If he committed to doing something, he did it. Simmo was an unwavering and ardent opponent of the sale and privatisation of public assets and was dedicated to conducting relentless campaigns on that issue. He demonstrated remarkable leadership during the Not4Sale campaigns, which are widely acknowledged to be among our nation's most successful union-led campaigns.

His campaigns gained support throughout Queensland communities and prevented the privatisation of important assets. Simmo's campaigns played an immense role throughout three elections between 2012 and 2016. As a result of those campaigns, Queensland's electricity distribution network still remains predominantly in public hands. Simmo was a courageous fighter, and following his resignation from his role as Secretary of the ETU due to illness, he continued to fight for working people. He also campaigned for equitable cancer funding and for the right for people to die with dignity. His legacy at the ETU for improving the lives of communities, workers and families will be long lasting. Simmo was a giant of the union movement. His unwavering advocacy for electrical workers will always be cherished. Most importantly, he will be remembered as a wonderful and genuine man. He will be deeply missed by all and certainly by me.

### BATEMANS MARINE PARK

**Mr JUSTIN FIELD (15:12:31):** A growing number of locals are working together on the South Coast to save the Batemans marine sanctuaries. Conservationists, scientists, tourism operators, oyster growers, abalone divers, recreational and commercial fishers, local Indigenous communities, business owners, media personalities and other members of the community have come together to stand in opposition to the Coalition Government's move to open up a number of sanctuary zones in the marine park to fishing. When it comes to marine parks and, in particular, Batemans Marine Park, the Government is anti-science. It makes policies on the run in reaction to the voices of a small but very loud group of angry recreational fishers. For years their vitriol and ideological opposition to sanctuary zones has intimidated and worn out local supporters of the marine park and members of the Batemans Marine Park Advisory Committee.

The announcement in December last year by the agriculture Minister, Adam Marshall, and the local member for Bega, Andrew Constance, to apply an amnesty on illegal fishing in sanctuary zones was so egregious

and outside any proper processes that the local community is now standing up to say enough is enough. On Saturday 21 November the community will come together to host a paddle-out to show that it will not accept the Government's ongoing contempt for its marine park. I implore the local member, Andrew Constance, to support the event and to hear the concerns of those attending and others who support the campaign. In a 2019 survey of the local community, almost nine out of 10 people said that the most important benefit of the Batemans Marine Park is "that the area is passed onto future generations in good condition." The amnesty puts us back decades. Internal advice from the National Parks and Wildlife Service, which was revealed under freedom of information, said:

Opening up Sanctuary Zones even for a few months will very likely completely negate all the benefits that have been built up over the past 10 years since these areas will be heavily targeted by fishers, putting conservation outcomes and spill over benefits for fisheries in adjacent areas back 10 years.

Sanctuary zones make up a small portion of the Batemans Marine Park at less than 20 per cent. Surely most reasonable fishers, including me, can live with access to over 80 per cent of the marine environment for fishing. The economic future of the South Coast community has nature-based tourism at its core, particularly during and after a pandemic. In 2018-19 local tourism and hospitality sales were worth \$300 million. People flock to the coast to swim, surf and visit natural wonders like Montague Island, which is now under threat from the fishing amnesty. It is telling that to remain competitive in the tourism market, charter fishing boats operating around Narooma are rebranding as ecotourism operators. That is a sign of the times and of the opportunities that are at stake. It is incredible that we are having this fight in 2020. Sanctuary zones are the national parks of the sea and must be protected in perpetuity to benefit our environment, our fisheries and future generations. I implore the local member, Andrew Constance, Minister Adam Marshall and Minister Matt Kean to listen to the economics, the science and the community and work to protect the Batemans marine sanctuaries.

#### WENTWORTH COMMUNITY HOUSING

**The Hon. SHAYNE MALLARD (15:15:34):** I was delighted to represent the Minister for Families, Communities and Disability Services, my good friend the Hon. Gareth Ward, at the official launch of 16 micro-units for single women over 45 that were constructed by Wentworth Community Housing in partnership with the New South Wales Government. Wentworth Community Housing is one of the key providers of social, affordable and crisis housing in the western Sydney, Blue Mountains and Hawkesbury areas. The Berejiklian Government is committed to breaking the cycle of disadvantage and driving economic growth in all areas of New South Wales. We need a social housing system that builds on those objectives and delivers an increase in supply and sustainable outcomes for tenants. Community housing plays a significant role in meeting that housing need by delivering high-quality affordable housing and support to people who experience housing stress.

The development at St Marys is a great example of how collaboration between the New South Wales Government, which injected \$3 million, and Wentworth Community Housing, which contributed \$1.5 million, can provide the much-needed supply of social housing. The new site will accommodate 16 single women who are aged over 45. As members are aware, single women in that age group are becoming a large component of those seeking housing assistance and, regrettably, they are very vulnerable to homelessness. I met a tenant at the opening who confided in me that she had fled her home due to domestic violence. She had been living in a car on the Nepean River before she found the housing development. The site will assist and house women who have found themselves in difficult situations and who require safe and reliable accommodation, including some women who have escaped domestic violence situations.

I thank Ken Gilbert and Stephen McIntyre, the chairperson and chief executive officer of Wentworth Community Housing respectively, and the rest of the team. I thank Dr Emma Power from Western Sydney University for guiding the project through her research on homelessness among women in western Sydney. I also thank project partners Stanton Dahl Architects and Decode Group for their commitment to supporting vulnerable people through multiple partnerships, including those that focus on homelessness. I commend the management and staff of all of the community housing providers, especially Wentworth Community Housing, for its ongoing contribution to the provision of social and affordable housing across New South Wales. Community housing providers will play an important and expanded role in the provision and management of social and affordable housing in the future. The Berejiklian Government is committed to partnering with community housing providers to deliver quality services to the residents of New South Wales. It was with much pleasure that I officially opened the new site. I wish all of the future tenants much happiness in their new homes.

#### BIG RIVER GROUP

**The Hon. DANIEL MOOKHEY (15:18:18):** I offer my solidarity with the 50 Wagga-based workers at the Big River Group's Ausply factory who were told last week that they were out of a job. Big River says it can no longer employ those workers because of the summer's bushfires. The company claims it lost 40 per cent of its contracted wood supply in those devastating fires. At the time of the bushfires, NSW Labor said that the effects

would be long-lasting, especially for the timber industry, which relies upon a reliable and predictable supply. Nearly a year later 50 families in Wagga were told that they were out of work in the middle of a global pandemic. Sadly there are no guarantees that those job losses in the timber industry will stop with the workers at the Big River Group.

The fate of the timber industry in south-west New South Wales, a crucial jobs engine in Tumbarumba and Batlow, turns on the growing of those trees in nurseries and plantation forests and, in the interregnum period, on sourcing alternative supply capable of feeding the mills. The responsibility must fall to the Government, the Department of Planning, Industry and Environment, or the Forestry Corporation—whoever is best equipped to lead efforts of the industry and coordinate the purchasing of that interim supply—because that job is crucial. The sooner these agencies are able to coordinate on a cross-industry basis, the more certainty everybody in the timber industry will have and the more likely it will be that we will be able to save jobs. Equally, it is imperative for there to be regular reporting to the Parliament and to the wider Wagga Wagga community about the efforts to source this alternative supply.

Of course, those efforts will not help the 50 workers at Big River group who soon will be without work. I note that just one week before these job losses were announced, the company was handed a \$10 million bushfire recovery grant. There is no doubt that grant will help Big River group's owners, which is of course welcome, but it will not help those workers. They are the victims of the bushfires too. Resilience NSW needs urgently to review its criteria for recovery to allow direct income support, job support and job retraining for those 50 displaced workers. We will build the economy much faster if we are supremely pragmatic when it comes to these grants. There is no need to draw a distinction between the owners of the business and people working for a business. If someone has lost their livelihood, regardless of whether they are an owner or a worker, they are worthy of support, just like those 50 families.

#### HORSERACING INDUSTRY

**Ms ABIGAIL BOYD (15:21:28):** Horseracing is a fundamentally unethical industry that cannot exist without animal cruelty or the profits of gambling. Over the past year's racing season, 116 horses have been killed on Australian racetracks and many more—up to 4,000 racehorses—have been killed in abattoirs and knackeries after being sold for a couple of hundred dollars each whether they had earned their owners millions of dollars or never even raced. Of those racing, 85 per cent will develop stomach ulcers from insufficient food quality, exercising an empty stomach and excessive stress; around half will bleed from the lungs having been worked past what their bodies can handle; more than 20 per cent will have their tongues tied to the outside of their jaw while racing; many will be kept in a cocktail of drugs to create unnatural muscle development, mask injuries and enhance their performance; and most will be whipped up to 18 times per race, a regulation of almost twice the limit in other jurisdictions like the United Kingdom, and a limit that is regularly breached by jockeys desperate to win at any cost.

This devastating cruelty earns racehorse owners in Australia between \$700 and \$750 million a year in prize money, which is plenty of money to give major party MPs free lunches trackside and to facilitate the careers of MPs post-politics in racing industry lobby groups. Horseracing loses Australians almost \$1.3 billion per year through gambling, lining the bulging pockets of betting agencies—the same betting agencies that donate millions to our major political parties. Despite everything we have seen of the cruel horseracing industry in the past year, hundreds of thousands of people celebrated the Melbourne Cup last week and even more mourned the death of Anthony Van Dyck, a five-year-old stallion who was killed after suffering a fractured fetlock during the race.

This was the seventh Melbourne Cup Day death in eight years, but the tide is turning. Record numbers of people every year are turning their backs on the horseracing industry. In the past 20 years, Melbourne Cup attendees have almost halved. Money bet at the race declines year-on-year and the number of those watching the TV coverage of the race continues to get fewer. The three members of this Parliament who between them own eight racehorses may not be pleased to hear it, but thanks to the tireless efforts of everyday people who refuse to be silent about cruelty and exploitation, public opinion is shifting and the horseracing industry is becoming less profitable every year. The horseracing industry has proven time and again that it is unwilling to prioritise the welfare of horses over the millions of dollars those horses can earn for them. If the major parties are not willing to say it then I will: The 116 racehorses killed on racetracks a year is 116 too many. We must end this cruel and horrific industry.

#### NELSON BAY NOW

**The Hon. TAYLOR MARTIN (15:24:19):** The COVID-19 pandemic has had an incredible impact on the way we live our lives. Some of these impacts will be temporary and we will hopefully resume some sort of equilibrium in the coming months and years, but some of these impacts have caused a permanent shift in the status quo. While it will be some time before we can say for certain what each of these impacts will be, it is a fairly



common expectation that a shift towards working from home will be long-lasting. Nelson Bay Now has recently released a discussion paper to lift the awareness of the opportunities for home-based employees and small business operators in the Sydney Basin who might be interested in relocating to Port Stephens to enjoy a substantially enhanced working and business environment.

More broadly, Nelson Bay and Port Stephens offer potential residents a fantastic lifestyle. There are great beaches, walks and recreational options and affordable housing. It is also easily accessible to Newcastle, Sydney and interstate via the Newcastle Airport, Williamtown. Nelson Bay Now highlights a number of benefits to any potential employees or businesses who make the move to Port Stephens, including access to a growing education sector with excellent opportunities to be enhanced with a new TAFE Connected Learning Centre on the Tomaree Peninsula; a proactive council that is introducing smart city technology into the community, particularly in Nelson Bay; growing employment opportunities in tourism, hospitality, aged health care, and the marine and construction sectors that will be particularly targeted through the local education system; and the availability of NBN allowing for good internet connectivity, as well as the imminent introduction of 5G technology allowing for high-speed phone and internet connectivity.

The benefits for the region are obvious. There will be additional opportunities for locals to make them more employable and job ready going forward. There will be an increased level of activity in retail, entertainment and related businesses on the Tomaree Peninsula as a result of the attraction of a younger population coming up from Sydney. Finally, it will be good to see the demands of the future workforce for the aerospace industry, particularly around the Williamtown defence base, which is the location for the new F-35 strike force fighters. My message to Sydneysiders who are dreading the return to the usual commute and have been contemplating a sea change is to do it. There has never been a better time than now. To blatantly rip off a slogan from elsewhere, "You'll never never know, if you never never go." I congratulate Nelson Bay Now on this excellent initiative. I wish it every success as it works to assist people making the move to Port Stephens.

#### **FANNY LUMSDEN COUNTRY HALLS TOUR**

**The Hon. MICK VEITCH (15:27:16):** Earlier in the week I spoke with Fanny Lumsden from Tooma in preparation for Ausmusic T-Shirt Day, which is next week. I implore all members to get their T-shirts ready. Fanny's husband, Dave, has assured me that my T-shirt is in the post and that it will get here on time. One of the things we talked about relating to Fanny's Country Halls Tour was the importance of these country halls and what they mean to local communities. They are a safe haven in a crisis. They are a place where families can celebrate together and where committees can meet. Indeed, a fair few of them will be used this year for Christmas functions. Fanny and her band started the Country Halls Tour in 2012, playing in three halls in the Riverina to raise money for BlazeAid. Since then everyone has wanted them to play in their own special country hall. Fanny visited a number of New South Wales halls in 2019-20, including Glen Innes, Loomberah, Curban, Lake Cargelligo, Boree Creek and The Risk.

I spent a lot of my time growing up attending dances and music events, though I cannot sing or dance, but the music events and dances were undertaken in country halls such as Mount Adrah and Tumblong. It is amazing how memories come back when one drives past those halls and looks at them—though not memories of my singing or dancing. Fanny takes a full band and full production to these halls so the quality would be just incredible. Her view is that whatever show she puts on in Marrickville should be the same as what any country hall or village would receive, and that people in regional New South Wales should not miss out on live original music. For next year's Country Halls Tour, Fanny and her husband, Dave, tell me that over 80 halls have already applied for their concerts.

If you drive around the bush you can see these country halls. They are a vital part of the communities and we should take a moment to reflect upon the fact that most of them are on Crown land and most of them have Crown land managers looking after them; their upkeep and maintenance are undertaken by volunteers and they are integral to those local villages. When I was on Young Shire Council we used to take a village tour; every three months we would meet at one of the villages in the shire and invariably it would be in a hall, either at Murringo or Koorawatha. You could see the amount of work that the locals were putting into those halls. These country halls are vital for these local communities; they require upkeep and maintenance. We should support these local communities in maintaining those halls. I say to Fanny Lumsden that I am looking forward to going to a show in one of those country halls next year.

#### **CHRISTIAN SOUTH AFRICANS**

**Reverend the Hon. FRED NILE (15:30:10):** I speak on the issue of the current suffering of Christian South Africans. On 26 October I was contacted by a constituent, Mr Garin Wilson, who sent me a heartfelt letter about the suffering of his family in South Africa. Mr Wilson wrote about the persecution of his god-fearing people, the Boers, who unfortunately do not seem to be getting the recognition of the international community. He wrote:

We are an old fashioned and simple people. For the past 300 years all they have wanted was to be free of external political powers; free to live their lives farming the land, guided by the Word of the Bible.

He continued by describing "the murders, the protests, the fires, the police corruption—all encouraged by the communist rhetoric of the EFF Party". That is a reference to the so-called Economic Freedom Fighters, which is the uniformed political party that follows a revolutionary Marxist ideology and has been blamed for stoking the fires of racial resentment in South Africa. Its leader, Julius Malema, has been on record saying some of the most reprehensible things, completely unbecoming a statesman of a modern, multicultural nation.

I am well aware of these matters and have monitored the developing situation in that country for the past few years. Many of the issues Mr Wilson noted in his letter were addressed by me in detail in this House on 15 March 2018, and I also moved a motion on 17 May 2018 condemning the racial violence currently plaguing South Africa. The motion was debated and passed on 16 August 2018. I encourage members to read those speeches as they analyse the relevant facts and cite mainstream authority.

It is a sad indictment on the civilised world that the international community sits idly by as the crisis appears to worsen. This situation is an embarrassment to us all, especially given that South Africa is a Commonwealth nation and, as such, forms part of our closer international family of nations. Why is it we act only when it is too late and when the damage is already done? I pray that our national leaders will have the courage and fortitude to take a stand in defence of the defenceless, wherever they may be.

### *Bills*

## **PREVENTION OF CRUELTY TO ANIMALS (INCREASED PENALTIES) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. EMMA HURST (15:34:20):** I move:

That this bill be now read a second time.

I am proud to stand here today to introduce the Prevention of Cruelty to Animals Amendment (Increased Penalties) Bill 2020. Right now, New South Wales has some of the lowest statutory penalties for animal cruelty in Australia. Under the Prevention of Cruelty Animals Act 1979, an individual act of animal cruelty is punishable by a maximum of just \$5,500 or six months' imprisonment, or both. An individual act of aggravated animal cruelty—one that results in the death, deformity or serious disablement of an animal, or leaves an animal so severely injured, diseased or in such a physical condition that it is cruel to keep them alive—has a maximum penalty of just \$22,000 or two years' imprisonment, or both. This is far behind other States and Territories in Australia that have maximum penalties many times this size.

To make matters worse, the New South Wales courts are consistently failing to impose anywhere near the maximum penalties. It seems that each week there are stories of perpetrators committing horrible acts of animal cruelty and getting off with just a slap on the wrist. There is a \$600 fine for beating a puppy and uploading the footage to the internet; there is no fine at all for beating a possum to death; and there is no fine for beating a dog, filming the act, and sending it to an ex-girlfriend as revenge. Almost nobody receives any jail time. Earlier this year the CEO of RSPCA NSW, Steve Coleman, said to the media:

In my nearly 30 years at RSPCA, I have never seen an individual or company receive a maximum fine—ever. I think "Jeez, when a pet actually dies at the hands of a human and they don't get the maximum penalty in court, what does it take for someone to get the maximum?"

There are two problems here. First, our maximum statutory penalties for animal cruelty in New South Wales are far too low. Secondly, the New South Wales courts are consistently imposing penalties for animal cruelty that are in the lowest end of the spectrum. Of course, these problems are interconnected. The issue with having such low statutory maximum penalties for animal cruelty is that it creates a very small range for judges and magistrates to work with. Maximum penalties are meant to act as a guide to the court as to what penalty to impose in a worst-case scenario. But when penalties start with a maximum of \$5,500 or six months' imprisonment, the court has almost nowhere to go. Anything less than the absolute worst-case scenario is going to get virtually nothing, and this is problematic, because every case of animal cruelty—which, by definition, involves one or more sentient animals being harmed—is serious.

It is clear that something needs to be done to fix this situation, and urgently. The existing penalty regime in New South Wales is doing nothing to keep animals safe and to deter further acts of cruelty. Low penalties insinuate that animal abuse is a low-level crime. It is not, particularly when you consider the well-documented link between violence against animals, and violence against humans, where research has shown a connection

between animal abuse and domestic violence, child abuse, elder abuse, gun violence and a higher propensity for violence towards society generally. And, of course, low penalties do not do justice for animals harmed by these vile abusers.

It is important to remember that the Prevention of Cruelty to Animals Act does not just apply to individual acts of cruelty to companion animals—acts that most often appear in the media, such as to cats and dogs. This legislation, and its accompanying regulations, contain the offences that are meant to regulate the conduct of a whole range of animal industries, from animal breeders and boarding kennels to intensive animal agribusinesses operating in the egg, dairy and meat industry. For example, in 2018 the RSPCA attended a commercial egg farm that was keeping hens in such a deplorable state it found 1,000 hens dead and had to euthanase 4,000 more. The owner was convicted of an animal cruelty offence and fined just \$6,500, as well as being given a 16-month community corrections order and a five-year "animal ban". That equates to a pathetic \$1.30 per hen that suffered. In what world is that considered an appropriate punishment?

Community attitudes towards animals have progressed significantly since the Prevention of Cruelty to Animals Act was introduced in 1979. There is increasing awareness of the ability of all animals to feel pleasure and pain, and a concern that they be protected from suffering wherever possible. The people of New South Wales desperately want to see increased penalties for animal cruelty that properly fit the crime, as reflected by the over 12,500 people who have signed my petition calling for tougher penalties. The protection and welfare of farmed animals is also a particular concern. A recent report commissioned by the Federal Department of Agriculture showed that 95 per cent of respondents surveyed viewed farm animal welfare with concern and 91 per cent want reform to address this.

The New South Wales Government knows the community wants to see change. In 2018 the Department of Primary Industries and the New South Wales Government released the "Animal Welfare Discussion Paper: Improving the current legislation—Penalties and Critical Situations". The community response was overwhelming. Of the 2,500 people who responded, 60 per cent thought the maximum penalties for animal cruelty should be increased, 80 per cent thought the terms of imprisonment should be increased and 76 per cent supported increasing the amount of penalty infringement notices. In addition, the discussion paper noted that the RSPCA NSW, Animal Welfare League NSW and the NSW Police Force—the three enforcement agencies responsible for enforcing the Prevention of Cruelty to Animals Act—all supported an increase in penalties. They said that were currently inadequate and out of touch with community expectations.

With the community and all three enforcement agencies firmly on side, one would think the Government would have been swift to act and increase penalties. Instead, for two long years it has done nothing. The Government has failed to bring about justice for animal victims of violence and to ensure that the punishments fit the crime. That is why I felt compelled to introduce this bill. In the past few days the Government has announced that it will also be introducing legislation to increase penalties for animal cruelty. That is great. The Government has finally listened to the community, and to our campaign on this issue, and will be taking action. However, the Government has a pattern of piggybacking off the work of Opposition and crossbench members to produce modified, and often watered-down, versions of our bills.

Conveniently, the Government made its announcement just 2½ weeks after the Animal Justice Party announced its intention to bring in a bill for tougher penalties. I have not yet seen the detail of the Government's bill. A copy is not yet available online and my request for a copy has so far been ignored by the Minister. In those circumstances I feel it is prudent to proceed with our bill today. I turn now to the substance of the bill, which is fairly straightforward. The bill substantially increases penalties for animal cruelty offences in New South Wales. It will allow the court to impose a greater range of penalties and will also send a strong message to the courts that something needs to change. The current penalties being imposed on those found guilty of animal abuse are not appropriate and they are falling far below community expectations. The increased penalties will apply to both the core offences of animal cruelty and aggravated animal cruelty, as set out in sections 5 and 6 of the Prevention of Cruelty to Animals Act, as well as a range of other offences concerning the treatment of animals set out in the Act and its accompanying regulations.

The maximum penalties for the majority of offences have increased to 1,400 penalty units, \$154,000, for a corporation, and 500 penalty units, \$55,000, or one years imprisonment or both for an individual. This is a tenfold increase to the current maximum individual penalty for animal cruelty and a doubling of the current maximum term of imprisonment. This same increase carries over to most other animal cruelty offences set out in the Act and regulations, including failing to comply with a relevant code of practice for certain animal trades. The more serious offences, including aggravated animal cruelty and offences relating to the poisoning of animals and live baiting, have a new maximum penalty of 2,275 penalty units, \$250,250, for a corporation, and 900 penalty units, \$99,000 or two years imprisonment or both for an individual. These penalty increases will take New South Wales from being one of the softest States on animal cruelty to one of the toughest.

The amount charged for penalty infringement notices [PINs] will also be increased. PINs are fixed financial penalties for certain offences under the Act and regulations that can be issued by the enforcement agencies. Currently, most offences have the PIN amount set at \$200 or \$500 for an individual offender and \$1,500 for a corporation. This is another area where the enforcement agencies have strongly supported an increase. They said that the PIN amounts are out of step with community expectations. There is a real risk that the current PINs are not sufficient to act as a deterrent against future acts of animal abuse. The amount charged for PINs will be increased across the board to \$1,500 for individuals and \$3,000 for corporations. From discussions with the RSPCA it is my understanding that they have been very careful about the situations where they will issue a PIN and, as a result, they are rarely challenged in court. Given this track record, it makes sense to entrust the RSPCA and other enforcement agencies with PINs in these higher amounts to ensure they are effective.

The bill also takes the important step of specifying mandatory minimum monetary penalties for animal cruelty and aggravated animal cruelty offences contained in sections 5 and 6 of the Act. There is no mandatory minimum for imprisonment. This is not a step I took lightly. However, as I have outlined, the fines being imposed by magistrates and judges in New South Wales are woefully out of touch with community expectations. Case after case, the courts continue to impose punishments at the lowest end of the spectrum for very serious acts of violence against animals. Clearly, there needs to be some kind of intervention to ensure the courts are issuing penalties that match community expectations and do justice for the animals involved.

If we were only to increase the maximum penalties then there is a real risk that courts in New South Wales would continue to impose punishments at the lower end of the spectrum—this is borne out by the research. A 2018 study on animal cruelty legislation in South Australia found that after increasing the maximum penalties, the average dollar amount of penalties doubled but the courts continued to impose sentences that were just 10 per cent or less of the maximum penalties. In other words, increasing the maximum alone did not change the courts' behaviour. This bill provides that the minimum penalty a court can impose for an act of animal cruelty under section 5 of the Act is 90 penalty units, \$9,900, for a corporation, and 20 penalty units, \$2,200, for an individual. The minimum penalty a court can impose for an act of aggravated animal cruelty under section 6 of the Act will be 180 penalty units, \$19,800, for a corporation, and 35 penalty units, \$3,850, for an individual. These minimum penalties are not excessive. They are a reasonable amount and they closely mimic the mandatory minimum penalties found for animal cruelty legislation in Western Australia.

It is my hope is that by establishing a penalty floor, this legislation will educate the courts as to how seriously they should be viewing these offences. It will also ensure that we do not continue to see animal abusers getting away with harming animals and receiving little to no fine. The bill also makes a small amendment to section 11 of the Act, which makes it an offence to abandon an animal. The amendment clarifies that a person does not abandon an animal if the person releases into the wild an animal that (a) was previously living in the wild, and (b) is, in the person's reasonable opinion, capable of surviving in the wild. This amendment will ensure that anyone who takes custody of wild animals for the purpose of giving them care and attention—for example, for the purposes of desexing a free roaming cat and returning to the streets as part of a Trap, Neuter, Release[TNR] program, or taking custody of an injured native animal such as a possum to give them vet treatment and then returning them to the wild—does not inadvertently fall foul of section 11 of the Act, particularly in light of the increased penalties.

Finally, this bill will ensure that any person convicted of aggravated animal cruelty under the Act, or serious animal cruelty or bestiality under the Crimes Act 1900, is prevented from owning, taking custody of or having other specified contact or involvement with an animal for the rest of their life. This is such an important amendment. While the courts currently have the discretion to impose these kinds of animal bans for offences committed under the Prevention of Cruelty to Animals Act, they have consistently failed to exercise this power appropriately. It is common to see individuals who have been convicted of serious, violent acts of animal abuse being given animal bans of just a few years or less. That is entirely out of step with community expectations and puts animals at risk of being left in the care of these violent individuals.

For example, in 2019 a man was convicted of aggravated animal cruelty. He had pushed his border collie puppy off a bed after she urinated on it, which broke her legs. The man was banned from purchasing, acquiring, taking possession or custody of an animal for only two years. In the eyes of the community that man should not be allowed to be near animals ever again, yet the court decided that a ban of only two years was enough. In another case, a woman was fined \$2,400 for kicking and hitting a dog and using a cat to attack the dog by swinging the cat around. The court banned her from using, acquiring or taking possession or custody of an animal for five years, except for one cat—the very species of animal she had abused. How does that make sense? How could the court possibly think that that is a way to protect animals? This bill will prevent those kinds of situations from occurring and will ensure that in the case of aggravated animal cruelty the perpetrator will automatically be subject to an animal ban for life. The court will retain its discretion with respect to making animal bans for lower-tier animal cruelty offences.

Perhaps even more importantly, the bill will introduce mandatory lifetime animal bans for anyone convicted of serious animal cruelty or bestiality under the Crimes Act 1900. For some reason—I can only assume that it was an oversight—the courts have no power to make animal ban orders in relation to the most serious forms of animal abuse. Accordingly in the case that made headlines last year where a petting zoo owner was convicted of serious animal cruelty under section 530 of the Crimes Act after he repeatedly stabbed a dog with a pitchfork and then hung the dog to a tree and left her to die, the court had no power to ban the man from having or working with animals. The same applies to an individual convicted of bestiality under section 79 of the Crimes Act. The amendment will correct that oversight and ensure that individuals convicted of the most serious acts of animal cruelty are banned from having guardianship of, and working with, animals for the rest of their lives. Breaching the new mandatory animal ban provision will attract a significant penalty of 500 penalty units—\$55,000—or up to one year imprisonment. That will act as a significant deterrent to anyone who is thinking of breaching the new provisions.

The bill will make New South Wales a national leader in penalties for animal cruelty. Of course there is so much more to be done. A major overhaul of our animal protection laws is desperately needed to ensure that all animals are properly protected from harm. Increasing penalties for animal cruelty is only the first step but it is a critical one. I am certain it will gain support across the House.

**Debate adjourned.**

### **MARINE POLLUTION AMENDMENT (REVIEW) BILL 2020**

#### **First Reading**

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

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

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### **CASINO CONTROL AMENDMENT (NO COMPENSATION) BILL 2020**

#### **First Reading**

**Bill introduced, and read a first time and ordered to be printed on motion by Mr Justin Field.**

#### **Second Reading Speech**

**Mr JUSTIN FIELD (15:54:57):** I move:

That this bill be now read a second time.

The evidence that has been heard by the Crown Casino inquiry and by the public who have watched on very closely has, quite frankly, been shocking: Crown links to organised crime and money laundering, lack of credible risk management in place within the company to deal with those risks despite ongoing warnings and evidence, favourable treatment by officials regarding visas for questionable individuals who want to come to Australia to gamble large sums of money and questionable corporate practices. But what is more shocking potentially is that because of a deal done between Crown, the New South Wales Government and the Independent Liquor & Gaming Authority [ILGA] back in 2014 both the authority and the Government may be constrained in the regulatory response to the inquiry by a compensation agreement. It could result in hundreds of millions of dollars of compensation being payable to Crown and Crown associated companies, should the regulator or this Parliament seek to act in the public interest and change casino laws and regulations in this State.

The Casino Control Amendment (No Compensation) Bill 2020 seeks to remedy what is, quite frankly, an absurd situation. The object of the bill is to amend the Casino Control Act 1992 to specify that there is no compensation right enforceable by the Crown Group companies against the State of New South Wales in connection with, or as a result of, the current Crown inquiry, including any action that changes or has the effect of changing the terms or conditions of a licence granted to the Crown Group companies under the Act and an action that has, or is likely to have, a material adverse effect on the assets, liabilities, properties, condition, operating results, operations, reputation or prospects of the Crown Group companies.

The bill achieves those objectives by inserting a new section 156A into the Act. I am sure that many members have been appalled by the evidence given to the New South Wales casino inquiry into Crown but it is worth reminding ourselves about how we got here. In part, the inquiry was kicked off in response to the *60 Minutes* and Nine newspapers' investigation into links between Crown and associates known to be involved in organised crime and money laundering. Also, the inquiry was kicked off in part in response to the release of previously privileged papers, as a result of a decision of this House, which showed that individuals who were specifically prohibited under the agreement between the New South Wales Government and Crown from having an interest in the Crown Barangaroo casino may have gained an interest as a result of the decision by James Packer's Consolidated Press Holdings to sell a stake in Crown Resorts to Melco Resorts & Entertainment.

I will not take members through the details. I have spoken many times about that at length in the House but suffice to say that Melco has walked away from a \$1.76 billion plan to take up a 19.9 per cent stake in Crown Resorts. Earlier this week in closing statements to the inquiry Counsel Assisting, Scott Aspinall, said:

That a subsidiary of Crown may have engaged in criminal acts in respect of the laundering of money is simply astonishing.

As reported in the media, Mr Aspinall said it did not matter whether money laundering happened at Crown because the company was "ignorant" or "apathetic" to the risks because either made it unfit to keep the licence for its Sydney casino. I could spend the whole day detailing the evidence before the inquiry but I know members and the public are well aware of the magnitude of the admissions by various members of Crown and the evidence of other individuals and experts. Ultimately it is Commissioner Bergin who will pass judgement on Crown and the operations of the Casino Act and regulations in New South Wales. Then it will be up to the Independent Liquor & Gaming Authority to make a decision on the suitability of Crown to hold a Casino licence in New South Wales and on whether any changes are necessary to the legislative and regulatory framework for the casino industry in this State.

That is where the bill becomes important. I was shocked to learn that the State Crown Financial Deed, signed in July 2014—specifically annexure 1 contained on pages 43 to 46 of that document—outlines a compensation regime should certain circumstances change for Crown and associated groups. It states that compensation is payable by the State to the relevant Crown Group Companies in a range of scenarios, or what are termed "trigger events" under the agreement. Those trigger events include the cancellation of the VIP Gaming Licence—that is, the Barangaroo casino licence. However, a cancellation under section 23 (1) of the Casino Control Act, which deals with disciplinary action, is specifically excluded from that trigger event.

For example, if it is considered that under section 23 (1) (d) the licensee is, for specified reasons, considered to be no longer a suitable person to give effect to the licence and the Act, a compensation trigger would not occur. However, that part of the agreement also specifically identifies that a cancellation under section 23 (1) (e)—"that for specified reasons, it is considered to be no longer in the public interest that the licence should remain in force"—would be a trigger event. Another potential trigger event is under part 1 (b) (iv) of the annexure:

- (iv) If the State ... takes any action (including the amendment or introduction of legislation or regulations or the rescission or amendment of either of the Directions or the issue of a new Ministerial direction) which has or is likely to have a material adverse affect on the assets, liabilities, properties, condition (financial or otherwise), operating results, operations, reputation or prospects of the Crown group of Companies—

You get the picture; it goes on and on. In lay terms, if the Government or ILGA take steps to change the licence or regulations governing the operation of the casino, Crown can pursue compensation. That is the question before the commissioner and the ILGA: Should they make recommendations to change legislation or regulation or the licence conditions for Crown's Barangaroo casino? The annexure is clear about the terms of compensation: On cancellation of the licence at any time before the end of the second financial year after the start-up year, it is a minimum of \$200 million. But that is a function of the costs incurred by Crown to date, including the construction of the hotel, which was given a 120 per cent mark-up, less the value of assets that would be retained by interested entities. It is a bit more complex than that, so let us assume for the basis of making decisions about the bill that it is at least \$200 million to Crown.

In the event of any other action, such as a regulatory response by the ILGA or the Government to the casino inquiry, it is 10.5 times the annualised negative impact on earnings before interest, tax, depreciation and amortisation, based on the event that operations have not commenced and on an agreed financial model, which I do not think is in the public realm. It is unclear how much could potentially be claimed by Crown under those provisions. But if there is any negative financial impact as a result of changes to the legislation or conditions, Crown Group companies can claim 10.5 times compensation. That is a pretty good deal if you can get it—a State-backed guarantee to not regulate, even in the public interest. That is what we are talking about here. While I understand why a business like Crown seeks an agreement such as that with a significant long-term investment,

the reality is that deals like that take the pressure off an entity such as Crown to be responsible actors. We have seen in the public testimony how that has manifested.

The interesting aspect of the current situation is that on the surface it looks like the way to avoid the payment of compensation is for the Government to simply cancel the licence on the basis that the licensee is not a suitable person. The counsel assisting the inquiry has clearly made that suggestion. But in the event that step is not taken, or if a licence is reissued under new terms, or if Crown simply challenges that decision legally, there is a risk that compensation would be able to be claimed for any regulatory response to the inquiry's findings. I have called on Crown to rule out that it will seek compensation under the agreement. It would be an act of good faith with the community and, given the evidence we have heard, a responsible step to take. It has not done that at this point. As far as we know, Crown intends to continue with the opening of its casino in a few weeks.

The bill seeks to remove any question that Crown can claim compensation for its failures as a company to address the risks of its business model, which seems to have been highly reliant on questionable money from high rollers, coordinated by individuals with links to organised crime and money laundering. That is clearly on the public record. The ILGA and the Minister were right to establish the inquiry. Its findings should inform considerations of the future of the Barangaroo licence and the regulatory environment for all casinos. The Parliament should ensure that ILGA and the Minister have the freedom to act as is necessary in the public interest without the threat of massive financial penalties to the State. They should not be constrained—and neither should the Chamber—by an agreement between a private entity and the Executive.

I call on the Government to support the legislation or to introduce a bill to clear the issue up as soon as possible—ideally before the commissioner hands down her findings, or soon after. At the moment the focus is on Crown but it will not be lost on many that the Government also has questions to answer. How was it that Crown got such a favourable licence agreement and compensation arrangement in the first place? The Crown casino inquiry heard that ANZ Bank raised concerns in 2014 about suspicious transactions taking place at Crown and eventually shut Crown's bank accounts over fears it was being used to launder the proceeds of crime. In 2013 and 2014 a probity assessment was conducted into Crown before the signing off in 2014 on the licence and the financial deed that included the compensation arrangement. The Government's agreement with Crown included a \$200 million licence fee and an agreement of \$1 billion in gambling royalties over 10 years. ANZ had concerns, the inquiry also heard that Australian Border Force officials were raising issues about visa requests from Crown for individuals with links to organised crime around 2013 and, at the same time in Victoria, the Australian Federal Police was prosecuting associates of Crown—part of its junket operations—for money laundering.

Under those circumstances, how did the New South Wales probity assessment get signed off regarding Crown's Barangaroo licence? How was it ever deemed as suitable to hold a casino licence in New South Wales, given that the evidence about its dubious business model was already there and major authorities had raised concerns? Was it related to the massive licence fee that was agreed to by Crown or the enormous \$1 billion royalty promise? Did anyone in the Government think that by accepting that deal they were essentially agreeing for the people of New South Wales to be the recipients of the proceeds of crime? My point is that the Government's history with the casino and Crown is pretty murky. The Government owes it to the New South Wales public to clear the air by supporting the bill or introducing one to make clear that no further favours will be paid to Crown. I commend the bill to the House.

**Debate adjourned.**

## **ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (REVIEW OF LAND DECISIONS) BILL 2020**

### **First Reading**

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

### **Second Reading Speech**

**The Hon. MARK BANASIAK (16:09:21):** I move:

That this bill be now read a second time.

I am pleased to introduce the Environmental Planning and Assessment Amendment (Review of Land Decisions) Bill 2020. The Environmental Planning and Assessment Act is pretty much the *Mona Lisa* of New South Wales legislation. There is a lot of hype surrounding it. The Government does not want anyone to touch it or even get close to it. But once they have it before them, it is a little underwhelming. I have been banging on for some time now about the dire impact of the koala State environmental planning policy [SEPP] on property owners, farmers and forestry operators. This bill responds to that. The koala SEPP impinges on private property rights without

undergoing any parliamentary scrutiny and, by a wave of the environment Minister's pen, the livelihoods of many landowners are changed forever. Our property rights are absolute rights. They have been at the forefront of common law for centuries. They are why the *Magna Carta* was written 800 years ago. Yet we see in this Government a sheer determination to take away those rights from us through subordinate legislation, delegated legislation, Henry VIII clauses and regulation, without any recourse for those that it impacts.

This bill will ensure that property owners can air their concerns through mediation before forking out thousands of dollars on reviews or in the court system. Schedule 1 will require that environmental planning instruments, or EPIs, such as State environmental planning policies be laid before the House of Parliament and that they may be disallowed. EPIs control planning decisions, like development proposals on private land. A recent report by the Regulation Committee on delegated legislation, which includes EPIs, entitled *Making of delegated legislation in NSW*, identified the impact that these types of instruments have over personal rights and that the Government should prioritise more effective ways of communicating that impact to the public. The report went on to say that, when legislation is delegated to the Executive Government, it is often at risk of overreach:

A recurring theme in the evidence to this inquiry was that members of the public are often not aware of or have difficulty accessing delegated legislation that can have significant impacts on their lives.

These instruments are created and amended at the discretion of the Executive Government. Delegation of power should be limited, but we find out in this report that, of the 437 enactments published on the New South Wales legislation website in 2019, 412 of them were regulations. It is just not right. They should be laid before the House of Parliament and disallowed when their impacts are harmful. This Government should not be ruling by decree. The report noted that even the New South Wales Bar Association submitted:

... parliamentary scrutiny of primary and delegated legislation against human rights standards in New South Wales is "less robust and human rights focused than in other Australian jurisdictions."

We would not accept primary legislation without proper scrutiny, so why should we accept environmental planning instruments or any other subordinate legislation, like regulations, without proper process, particularly when they assert so much control over our property rights? Schedule 2 will create an avenue for mediation under the Environmental Planning and Assessment Act 1979. It will insert into the definitions of the Environmental Planning and Assessment Act "mediation" and "mediator", providing a structured negotiation process in which a neutral and independent party assists the parties to a dispute to achieve their own resolution. When proposals are rejected because of spatial data mapping that we know is wildly inaccurate because of native vegetation that has not been ground-truthed, because of various claims that a property is a core koala habitat when in fact there have never been koalas on that property, or for any other reason, there should be an avenue for mediation to begin.

The resolutions to these issues quite often are simple, so they should not cost an arm and a leg to resolve or require a lengthy battle in court. But currently they do. As it is, if one wants to appeal a decision made by a consent authority it is rather costly. A review can cost up to \$30,000 and the blow-out costs are astronomical if it goes to court. Our mum-and-dad farmers, our timber workers and people that own property in general cannot afford those extra costs. Only cases of the most complicated order should end up in the courts. There should be approachable and affordable options before it escalates. This bill will provide those options.

The costs of mediation will be shared amongst both parties other than in the circumstance where a change occurs to a property under an EPI that prevents the development of the property. In that case, the mediation will be payable by the consent authority. In a situation where disputes cannot be resolved through mediation, the dispute can then be referred to the Administrative Decisions Tribunal, which brings me to schedule 3—administrative review of certain decisions about land. This schedule will amend the Administrative Decisions Review Act 1997. It redefines "enabling legislation" to include:

... for a decision relating to the use or value of private land—legislation that confers or imposes the decision-making function on a person or body.

It amends the definition of an "interested person" to include:

... a decision relating to the use of private land — the owner of private land.

Simply, this allows disputes relating to the use or value of private land to appear before the Administrative Decisions Tribunal. Again, this is a less costly option than appearing in court. This Government's burgeoning desire to take over property rights needs to be mitigated in an affordable way. By allowing appeals to appear before the Administrative Decisions Tribunal, property owners will be offered affordable hearings and a fairer chance of appealing the gross overreach of government regulations. This schedule does not prevent the dispute from appearing before the courts. It simply gives alternatives before it escalates to that point.

The tide must start to turn against this Government and the sneaky way in which it is controlling our property rights. It is enough of a deterrent for most regular people that, to appeal any decision made by



government, they have to take it on. It is unfair that this Government can throw its weight around like that with no repercussions. This bill is not asking for anything outlandish; just that certain instruments undergo the same parliamentary scrutiny as primary legislation and that regular property owners can have their concerns aired in a way that will not break their banks and their ability to produce and add value to their properties. I commend the bill to the House.

**Debate adjourned.**

**ICAC AND OTHER INDEPENDENT COMMISSIONS LEGISLATION AMENDMENT  
(INDEPENDENT FUNDING) BILL 2020**

**First Reading**

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

**Second Reading Speech**

**The Hon. ROBERT BORSAK (16:17:21):** I move:

That this bill be now read a second time.

I am pleased to introduce the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020. The intention of this bill is to provide further parliamentary oversight relating to the adequacy of funding for the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Electoral Commission and the NSW Ombudsman by allowing the annual appropriation of these bodies to be allocated separately from other agencies and that it include a contingency amount available for use in special circumstances. The need for this bill is more important now than ever. I suspect that there will be unanimous support from the Opposition, crossbench and other Independents in this Parliament, so the onus is on the Government to support the bill if it has nothing to hide. Let us also be clear: This is not a money bill. We are expecting the Government to object to this bill based on the spurious argument that somehow we are seeking to allocate or appropriate the privilege of the Government. That is not the case and this bill reflects our approach perfectly.

It forces the Government to consider proper independent structures for the future funding of these bodies for adequacy and long-term resilience—especially the ICAC, which has, as recently as this week, again pleaded for adequate ongoing funding and independence so that it can do its job without fear or favour of government. The bill was drafted on the basis of the four recommendations that were made in the New South Wales ICAC special report *The need for a new independent funding model for the ICAC*. The report in itself was unprecedented and necessary as this Government, subject to close scrutiny by ICAC, is not happy to properly conform. This bill gives effect to each of these four recommendations.

Recommendation 1 proposes that the parliamentary oversight committee for the New South Wales Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission review the annual unbudgeted submissions of each agency and make recommendations as to funding priorities. Recommendation 2 proposes that the annual budgets for the New South Wales Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission include a set contingency fund to address unbudgeted financial demands, with access to the funds governed by prescribed criteria and approval of the relevant parliamentary oversight committee.

Recommendation 3 proposes that the New South Wales Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission be directly allocated their annual funding through appropriation legislation—rather than funding being allocated to the relevant Minister—so that they are not subject to reductions in funding during the financial year. Recommendation 4—which is probably the most important recommendation—proposes that the New South Wales Government remove the New South Wales Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission from the Premier and Cabinet cluster.

These four commissions were set up as independent statutory authorities with their own statutory charters. They were created by this Parliament and are answerable to this Parliament and not the Executive Government. Yet we now find ourselves in a situation where each of these commissions is dependent on the Executive Government for funding. This should never have been allowed to develop and it certainly was not the intention of the Parliament. If we had a government that was not as dodgy as this one, we would not be worried at all. Instead we have a government that has ignored good governance and not taken ministerial responsibility seriously. It has indirectly sought to control particularly the investigative activities of the ICAC by strangling off funding

needed to bring on inquiries or to finish inquiries on a timely basis. Ask the Hon. John Sidoti what he thinks of the delays. He has been subjected to them for over 12 months now. I turn to a quote that the ICAC Commissioner gave in his opening statement when appearing before the Public Accountability Committee late last year. It goes to the very heart of what this bill is all about. He said:

It was most certainly not the intention of the New South Wales Parliament when it created the commission as a statutory corporation with a special charter, as a unique legal entity, that it would become subject to or dependent in any way on the Executive Government.

I find it astonishing that having sought additional funding on the basis that it was urgent and essential, the Commissioner was told by a senior bureaucrat words to the effect that the ICAC must learn to live within its budget like any other government agency. This is not an agency of the Government. This is an independent statutory authority created by this Parliament that should be independently resourced, through the Parliament and by the Parliament.

This Government has known for many years now that parliamentary appropriations for the commission have been insufficient and that the amount from one year to another—or at any given moment—will vary. It is unbelievable that we now find ourselves in a situation where we have a sitting Premier who has given evidence to the ICAC inquiry into disgraced former Liberal MP Daryl Maguire—with whom she was in a secret five-year love affair and relationship—having refused to grant additional funds to the ICAC when requested. These requests were made during this ongoing investigation. It is not a good look for this Premier and it is not a good look for this Government. To paraphrase the ICAC Commissioner, the commission belongs to the people and it must not be undermined or constrained either directly or indirectly through resourcing issues.

Of course, it is not just the ICAC that has had to beg for funding. The Law Enforcement Conduct Commission is in the same predicament. When asked what impact an additional 1,500 police officers would make, the Chief Commissioner of the Law Enforcement Conduct Commission, Michael Adams, said:

What it will mean is that we more brutally filter what we look at. We have to skim examine rather than actually examine a whole lot of complaints.

...

We are getting an increasing proportion of complaints come from within the police force ... they sometimes say, "We do not trust the police to investigate this. We want you to do it."

We now also find ourselves in a situation where hundreds of millions of dollars have been thrown around and used to pork-barrel predominantly Liberal- and Nationals-held seats before the last election without any paper trail because the paperwork has been put through the shredder and emails have been deleted, yet the Commissioner of Police does not see a case to investigate. I am sure that many in this Chamber will have much to say when this bill comes back for debate next week. I will finish with one final quote from the ICAC Commissioner:

... the principle of independence is the bedrock of the commission to its independence. It ensures that the commission and its officers undertake their functions free of control, free of interference, free of influence from the Executive Government, members of the Executive Government and public authorities of course all being subject to the commission's jurisdiction.

I commend the bill to the House.

**Debate adjourned.**

### *Documents*

## **TRANSDEV FERRY CONTRACT**

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

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

That private members' business item No. 815 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (16:27:02):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, created since 1 January 2017 in the possession, custody or control of the Minister for Transport and Roads or Sydney Ferries relating to the ferry system contract with Transdev:

- (a) the 2019 ferry system contract;
- (b) all correspondence regarding the Fleet Deployment Plan;
- (c) all correspondence regarding the *Lady Northcott*, *Lady Herron*, *Freshwater*, *Narrabeen*, *Collaroy*, and *Queenscliff* vessels;

- (d) all documents regarding refit and refurbishment work undertaken on Freshwater-class vessels, including work undertaken at Garden Island since 2017, and the business case for the program of works; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

As the motion outlines, it is after the 2019 ferry system contract and the fleet deployment plan and correspondence relating to the *Lady Northcott*, *Lady Herron*, *Freshwater*, *Narrabeen*, *Collaroy* and *Queenscliff* vessels—obviously iconic ferries that have been servicing our State for some time—and also the documents regarding the refit and refurbishment work to be undertaken on the Freshwater-class vessels and other documentation. This is part of the House's interrogation of the activities of the Government around the maintenance and procurement of all of the important transport fleet. I will not labour the point. The motion speaks for itself and I ask for the House's support to compel the production of these State papers.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:27:56):** Unsurprisingly, I suppose, the Government will not be supporting this. The pattern of the manner in which Standing Order 52 is being used gives rise to the continuing cause of complaint that the Government has. The Transport cluster, to which this is directed, respects the power of the House. However, these orders can require staff to review large quantities of documents within seven-, 21- or 28-day time frames. I acknowledge the time frame given in relation to this particular order for papers. But the Transport cluster has received 27 orders for papers under Standing Order 52 in the current term of Parliament since June 2019. Those orders for papers have collectively resulted in thousands of documents being produced to the Legislative Council, requiring considerable resources that have tested the available capacity within the cluster. A response to a Standing Order 52 call for papers can divert many hundreds of staff hours from tasks critical to the effective operation of the Transport cluster.

Since June 2019, Transport for NSW has spent over 7,000 hours working exclusively on standing orders. That is equivalent to at least four or five full-time public servants working exclusively on responding to orders for papers for just over a year without exercising any leave entitlements. That includes 830 hours or 118 working days responding to the CBD and South East Light Rail order for papers, 850 hours or 120 working days responding to each of the Newell Highway procurement and WestConnex contracts orders for papers and 650 hours or 93 working days responding to the passenger services levy order for papers. Staff are already at capacity in undertaking their regular duties. Any diversion of resources would likely cause significant disruption to their core day jobs, which are to maintain the public transport network and deliver key pieces of infrastructure to the community. I have been saying that time and again. I could go back to *Hansard* and quote others. One states:

... the Government opposes this call for papers. It is yet another call for papers from the other side of the House and it will lead to even more duplication and waste of taxpayers' resources. Previous calls for papers have already resulted in a wasteful diversion of time, money and staff resources. Those resources would be much better used serving the people of New South Wales.

Those were the words of the Hon. Penny Sharpe.

**The Hon. ADAM SEARLE (16:31:02):** In reply: I have said everything I need to say.

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

**The House divided.**

[In division]

**The PRESIDENT:** It may be necessary to recall the division. There is a possibility that members did not hear me. I propose to put the question again. I remind members that if they are in the Chamber they are required to vote. Members cannot abstain from voting if they are in the Chamber. If members intend to abstain from voting they should not be in the Chamber.

Ayes .....24  
Noes .....17  
Majority.....7

#### AYES

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

Graham  
Houssos  
Hurst  
Jackson  
Latham  
Mookhey  
Moriarty

Pearson  
Primrose  
Roberts  
Searle  
Secord  
Sharpe  
Shoebridge

AYES		
Field	Moselmane	Veitch
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.**

## NEWCASTLE EDUCATION PRECINCT

### Production of Documents: Order

**The Hon. PETER PRIMROSE:** I move:

That private members' business item No. 908 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. PETER PRIMROSE (16:47:33):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 30 June 2017 in the possession, custody or control of the Department of Education relating to the Newcastle Education Precinct:

- (a) all documents that provide advice, briefing papers, reports or assessments relating to the creation of the Newcastle Education Precinct;
- (b) all documents that provide advice, briefing papers, reports or assessments including but not limited to, service needs reports, preliminary infrastructure plans, or feasibility studies, relating to funding estimates, source and timeline, student demand forecast and a new primary school;
- (c) the indexed list of all documents, returned under this order of the House, provided in hardcopy in no less than 12 point font and in electronic copy in a searchable format; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Liberal and Nationals Ministers in this place keep complaining about the use of Standing Order 52. I could have some sympathy with this suggestion, but their complaints ring hollow when the Government continually follows a pattern of deliberate obfuscating and hiding of information sought, whether through questions on notice or through the Government Information (Public Access) Act [GIPAA] process. The issue before the House is the Newcastle Education Precinct that was announced in 2018.

The local MP, my colleague in the other place Mr Tim Crakanthorp, has understandably sought information about the precinct since that announcement. At the request of local parents and school communities, he has been tireless in his efforts to find out more about this precinct. We know already that inner-city Newcastle schools are over capacity. Mr Crakanthorp and his community have long identified the need for new school facilities for the growing number of families in Newcastle. *The Newcastle Herald* has also taken up the challenge of trying to find out more about the Government's proposal by attempting to access information about the Newcastle Education Precinct. *The Newcastle Herald's* timeline shows that Standing Order 52s are not used lightly but only as a last resort when other mechanisms to access information are shut down by the Government.

*The Newcastle Herald* submitted a Government Information (Public Access) Act [GIPAA] application to the Department of Education to access information about the Newcastle Education Precinct. This precinct, as I mentioned, was announced in June 2018 and purportedly includes upgrading Newcastle High School and building a new primary school. The GIPAA application was rejected by the department. The rationale for this rejection was that some of the documents contain Cabinet information and could reveal "a deliberation or consultation conducted or an opinion, advice or recommendation, given in such a way as to prejudice a deliberative process of government or an agency". *The Newcastle Herald* opted to have the rejection of this GIPAA application reviewed by the Information and Privacy Commission [IPC]. The IPC, in turn, recommended that the department review its decision as not all the information was deliberative in nature and it was unclear why disclosure would prejudice the department's ability to exercise its functions.

The IPC, as the impartial adjudicator, said that while the disclosure might cause embarrassment to, or loss of confidence in, the Government and might be misunderstood, these were irrelevant considerations when an agency was making determinations about public access to information and must not be taken into account. Unfortunately, the IPC's recommendation is not binding and the recalcitrant department again decided to refuse access to documents about the Newcastle Education Precinct. This decision was made in direct contradiction to the recommendation of the IPC. Frankly, withholding this information is an unreasonable decision made contrary to the public interest and to the recommendation of the independent body that has been established to adjudicate on public access to information, and smacks of a cliché by those who obviously believe that *Yes Minister* was a training video rather than a parody.

We are not talking about the movement of troops or the location of missile silos. We are talking about telling local parents about plans for local schools. So I am calling on the Government to stop hiding this information. This Standing Order [SO] 52 call for papers is now the only mechanism available to have information provided to the public about the Newcastle Education Precinct, as recommended by the Information and Privacy Commission. I commend the motion to the House.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:51:52):** I speak to this motion regarding an SO 52 call for papers in relation to the Newcastle Education Precinct. I am happy to tell the House and the member that the Government will not oppose this SO 52 application. As the member has outlined in his contribution, the Government has made commitments to plan for that precinct and that is underway. I also note that in his contribution the Hon. Peter Primrose referenced the local member for Newcastle, Tim Crakanthorp. I will be very upfront: I have met with Tim on a couple of occasions since I have been education Minister. He has not directly raised this particular issue of the precinct with me and, as far as I am aware, he has not raised it with my staff. He has asked a few questions on notice in relation to the issue, as local members do, and that is appropriate. As I said, the Government will not oppose this call for papers. We are happy to be transparent and to provide the documents that have been asked for.

**The Hon. PETER PRIMROSE (16:52:54):** In reply: I thank the Minister. I look forward, as I am sure *The Newcastle Herald* and the local community do after all this time, to finally seeing those documents.

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

**Motion agreed to.**

### *Bills*

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

### **Second Reading Debate**

**Debate resumed from 20 September 2020.**

**Reverend the Hon. FRED NILE (16:54:02):** In reply: I speak in reply to the debate on the Crimes Amendment (Zoe's Law) Bill 2019. I thank the honourable members who have contributed to this debate: the Hon. Taylor Martin, Ms Abigail Boyd, the Hon. Trevor Khan and the Hon. Scott Farlow. Members will no doubt be aware that four people were killed in an accident in Orchard Hills last week. Two of the deaths were registered as manslaughter but the deaths of the other two victims, who were unborn twins, were not acknowledged by the courts. This bill seeks to address that issue. This is obviously an ongoing concern. It should be an embarrassment for this House that it has taken so long for this bill to be debated and voted on.

Why did I get involved? Going way back to the beginning, I had contact with Zoe's parents and the point was made, publicly, that they thought the driver should have been charged with the death of baby Zoe. Zoe's mother was told by the police that nothing would be done because baby Zoe had not breathed, and that was then the end of the matter. That stimulated me to investigate this issue as to why such a situation could occur. There was a gap in our law and I endeavoured to fill that gap. I recall that one of the earliest pieces of legislation on this topic was put forward some years ago by a former member of the Government, Chris Spencer, in the Legislative Assembly.

The bill that he introduced—not dissimilar to the one that I have introduced—was passed in that place. However, due to a deliberate campaign of misinformation, my attempt at legislative reform in 2013 did not succeed in this House. The misinformation I am referring to is the unfounded claim that this bill would threaten women's rights. On the contrary, the bill would defend the rights of expectant mothers and the dignity of unborn persons, half of whom happen to be female also. So I had the bill specifically drafted in such a way to hopefully maximise support in this House.

I understand the need for compromise and, in doing so, the bill was drafted in such a way that abortion is specifically excluded from its terms of reference. I note that even the Hon. Trevor Khan accepted that this bill is not a "stalking horse" for the recriminalisation of abortion in New South Wales. Likewise, the Hon. Scott Farlow also acknowledged that this bill does not touch upon the State's abortion legislation. Perhaps Ms Abigail Boyd did not read the draft carefully before making her contribution to the debate on 26 September last year, so I will draw her attention to schedule 1, item [2] of the bill, which introduces a new section 41B (2). Subsection (a) states that the provisions of the bill do not apply to "anything done in the course of a medical procedure". Subsection (b) states that the provisions of the bill do not apply to "anything done by or with the consent of the mother of the unborn child".

Abortion in this State is effectively "a medical procedure". This bill, therefore, clearly and unambiguously excludes the practice of abortion from its operation. This bill had to be drafted in such a way that some semblance of justice could be provided to the mother and family members of an unborn child who has been killed in utero. Furthermore, I am aware of the decision of the Court of Criminal Appeal in *R v King*, which the Hon. Taylor Martin mentioned in his contribution to the debate on 26 September 2019. I acknowledge that the current law holds that the destruction of a foetus is grievous bodily harm to the expectant mother but not to the foetus. I further acknowledge that the principles of *R v King* have been codified in the Crimes Amendment (Grievous Bodily Harm) Act 2005.

The Hon. Taylor Martin is correct when he says that if passed this bill would extend those provisions to "dangerous driving causing serious harm to, or destruction of, an unborn child". This bill is a response to a number of cases in recent years where this very thing has occurred. That is the reason why I gave the bill the title of Zoe's Law—Zoe was the unborn baby's name. I note that the Government has committed to reforming the State's criminal law in accordance with these concerns. I could have waited but it seemed to be taking the Government so long to do something that I thought it was important to proceed with my bill. Obviously I would not oppose the Government's version of this law if it introduced it into this House. That was part of the Government's election commitment so I expect the Government to support this bill and I call on all members to vote for Zoe's bill.

**The PRESIDENT:** The question is that this bill be now read a second time, to which Ms Abigail Boyd has moved that the question be amended by omitting the word "now" and inserting at the end "this day in six months". This amendment will mean that the bill will not be considered in this session. I make that clarification before we put it to a vote so everybody is clear on what we are doing. The question is that the amendment be agreed to.

**The House divided.**

Ayes ..... 10  
Noes ..... 29  
Majority ..... 19

**AYES**

Boyd  
Buttigieg (teller)  
Faehrmann  
Field

Hurst  
Pearson  
Primrose (teller)

Searle  
Secord  
Shoebridge

**NOES**

Amato  
Banasiak  
Borsak  
Cusack  
D'Adam  
Fang  
Farlow  
Farraway (teller)  
Franklin  
Graham

Harwin  
Jackson  
Khan  
Latham  
Maclaren-Jones (teller)  
Mallard  
Martin  
Mason-Cox  
Mitchell  
Mookhey

Moriarty  
Moselmane  
Nile  
Roberts  
Sharpe  
Taylor  
Tudehope  
Veitch  
Ward

**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 .....6  
Noes .....33  
Majority.....27

**AYES**

Banasiak  
Borsak (teller)

Latham (teller)  
Mason-Cox

Nile  
Roberts

**NOES**

Amato  
Boyd  
Buttigieg  
Cusack  
D'Adam  
Faehrmann  
Fang  
Farlow  
Farraway (teller)  
Field  
Franklin

Graham  
Harwin  
Hurst  
Jackson  
Khan  
Maclaren-Jones (teller)  
Mallard  
Martin  
Mitchell  
Mookhey  
Moriarty

Moselmane  
Pearson  
Primrose  
Searle  
Secord  
Sharpe  
Shoebridge  
Taylor  
Tudehope  
Veitch  
Ward

**Motion negatived.**

*Documents*

**RENEWABLE ENERGY ZONES**

**Production of Documents: Order**

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

That private members' business item No. 628 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. MARK LATHAM (17:24:01):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Department of Planning, Industry and Environment or Minister for Energy and Environment relating to Renewable Energy Zones [REZ] in New South Wales:

- (a) all advice, projections, modelling and costings from the Department of Planning, Industry and Environment or the Australian Energy Market Operator [AEMO] to the Minister for Energy and Environment on the establishment of Renewable Energy Zones in New South Wales;
- (b) any document disclosing the firming capacity needed to make REZ effective;
- (c) any document disclosing the creation of electricity grid connections as a consequence of the establishment of REZ;
- (d) any document disclosing the impact of REZ on electricity prices, supply and reliability in New South Wales;
- (e) any document disclosing the impact of REZ on coal-fired power stations, in particular, the early closure of stations and the consequential impact on energy security and prices in New South Wales; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The motion should be carried on the pedigree of the proposition. It is quite extraordinary that it was placed on the *Notice Paper* on 4 August and was rejected by the Government when I attempted to bring it on through formal business. The Leader of the Opposition had an interest in a similar request for papers that was abbreviated and moved on a Thursday morning, which passed through as formal business. I was then able to access the paper produced on that motion by the Leader of the Opposition. It is an appalling example of inadequate research and inadequate advice. We are talking about the most important economic issue facing New South Wales—even more important than COVID. We are talking about the transformation of the energy base of the State. All the jobs—manufacturing, consumer prices, the retail and tourism sectors—and everyone in New South Wales who relies on

affordable, dependable electricity has an interest in the bill. To get it wrong would be a tragedy and an economic disaster for New South Wales. There is no more important economic issue facing the State than getting it right.

The advice that came forward in the document, written by a couple of departmental officers, is a one-third advice. It looks at the Central-West Orana Renewable Energy Zone but not the other two—the one in the south-west and the big one in New England. How can the Government proceed if the quality of its advice in assessing the impact of those renewable energy zones, particularly on the existing energy system, is only one-third of the advice? If we bring them forward we will flood the market. That will obviously cause the coal-fired power stations to close down earlier and lose their profitability. They will be cash loss leaders, bleeding to death, and they will close. If we do that within five years, which is the Minister's proposition, and we do not have the storage in place, what will we do at night when the sun is not shining? What will we do on a still day when the wind is not blowing? If we do not have batteries, pumped hydro or storage in place, the economic circumstances in New South Wales will collapse under the weight of blackouts. I asked the Minister a question on notice:

On which date did the Minister's office request a report from the Department of Planning, Industry and Environment summarising the impact of the Government's Renewable Energy Zones (REZ) policies on the electricity system, resulting in the 15 September 2020 document 'Renewable Energy Zone impact analysis' listing Contact and Approval officers Liam Ryan and James Hay?

The Minister's answer is the most remarkable that members will find in the history of this Chamber under Standing Order 52 motions. The Minister answered:

My office requested the Department of Planning, Industry and Environment to prepare the report on 28 August 2020. The report was requested in order to address the substance of the matters raised in the Honourable Member's notice of motion 628.

So the Minister asked his department to furnish a document 24 days after my original Standing Order 52 motion. That is retrospective advice that is one-third of an advice. The Minister is trying to rewrite history. There are ICAC provisions about that that I will be exploring. No Minister should seek to rewrite the advice on such a critical issue for the future of New South Wales in such a fashion. Some 24 days after my notice of motion was lodged, the Minister sought new advice. The people of New South Wales and the decision-makers, most particularly in this Parliament, are entitled to see both advices: the old advice on which the announcement was made about the renewable energy zones and the new one, of which we have a copy—the one that was fabricated and developed solely for the purpose of dealing with my earlier Standing Order 52 motion that had not even been passed by this Chamber.

If members believe in proper governance, proper process and the accountability of Executive Government, every member should be saying that for such a critical issue the people of New South Wales and the decision-makers here should see both forms of advice. We have the second one. Mr David Shoebridge constantly lectures us on the accountability of the Executive. If members believe in accountability, we should see the full advice that the Minister was so obviously worried about because he created a new advice 24 days after my first motion was lodged in this Chamber. That is an extraordinary process from a government that shreds documents and has a secret arrangement for the Premier's private life that spills into the most abhorrent forms of corruption and money-dealing in New South Wales. The processes are dreadful and this one is just as bad. If members believe in any form of integrity in New South Wales they will support the motion.

**The Hon. BEN FRANKLIN (17:29:15):** As the Parliamentary Secretary for Energy and the Arts, I will respond to the motion on behalf of the Government. As many members in the Chamber are aware, New South Wales is facing the closure of four of its five existing power stations within the next 15 years. It is absolutely critical that those generators are replaced before they close. That is why the Government is working with energy market experts and engineers to do it at the lowest cost to consumers. According to those experts, the lowest cost replacement for the New South Wales electricity system is a combination of new transmission supporting the diversification of the grid to renewable-rich areas, renewable generation providing low marginal-cost energy to the system, and long-duration storage and firming, complementing the intermittent nature of renewables. Renewable energy zones [REZs] have been identified as an efficient way to build transmission and renewable generation together in places where there are strong renewable resources and community support. The zones play a critical role in delivering the bulk energy supply that we need to replace New South Wales' retiring generators over the next 15 years.

Three priority renewable energy zones have been identified in the State's Central West, New England and South West regions, which will be able to deliver up to 17,700 megawatts of the new bulk energy supply. I acknowledge and address the honourable member's concerns regarding the reliability of the system as increasing numbers of renewables come online. I reassure all honourable members that keeping the electricity system reliable is non-negotiable for the Government. As the honourable member said, solar and wind alone cannot keep the lights on; they must be backed up by reliable generators, like pumped hydro, gas peakers or big batteries. That is why the Government's energy policies are focused on bringing in a range of new energy infrastructure, including



new investment in reliable generators. In fact, a number of those reliable generators could be located in renewable energy zones.

The REZs will also provide much-needed jobs and investment to regional New South Wales. The Government's three priority zones will attract \$23 billion in regional investment and 2,000 construction jobs each year over the next two decades. The Government is focused on seizing the opportunity to deliver jobs and massive investment across the State. In terms of a response to the specific motion moved today, in its current form the motion would require a significant diversion of both resources and staff within the Department of Planning, Industry and Environment—the exact staff who are working day after day to ensure that we deliver the replacement energy infrastructure that we need here in New South Wales at the lowest cost to consumers. It would require those staff to put aside their core roles and responsibilities to work for extensive periods of time, looking for documents responsive to this order. That is not reasonable or warranted. The Government has a clear vision to transform New South Wales into an energy superpower by delivering cheaper, cleaner and reliable energy. Our hardworking staff in the department are focused on delivering that vision. The motion in its current form would stand in the way of that work.

**The Hon. ADAM SEARLE (17:32:29):** As the honourable mover of the motion has noted, there is a very similar motion on the *Notice Paper* standing in my name. A truncated form of the motion moved by the Opposition was carried. It led to the production of a report, which has been very informative; nevertheless, the Opposition has consistently supported more transparency, openness and production of documents. The mover of the motion is correct: Understanding the thinking, the calculations and the economics behind the proposal is very important. When that reasoning has been applied to every other issue and there has been a call for papers, the Opposition has consistently supported that call. We agree with the Parliamentary Secretary about the energy road map that is currently before the other place, of which the renewable energy zones are one of the centrepieces.

It is on the record that the Opposition has provided the Government with its in-principle support, subject to working through some concerns and additional proposals, which are underway as we speak. The Government has been very consultative. I congratulate the Minister and the Government on essentially taking a large part of the Opposition's 2019 State election energy policy in the package, but that does not mean that we shy away from scrutiny and getting the information. So the Opposition will support the motion. As always, we are open to sensible suggestion. If there is a legitimate concern about volume rather than kind, we are open to discussions about narrowing the scope. We are loathe to force that on movers but would encourage a proper dialogue. I hope that the Government has spoken with the mover of the motion about narrowing the scope. In any case, let us see how the rest of the debate unfolds. I am just placing on the record that we are for transparency and openness on this as well as other issues.

**The Hon. ROBERT BORSAK (17:34:58):** I support the Hon. Mark Latham in his call for papers on renewable energy zones. We believe in integrity in government. We are not seeing it from this Government. The Electricity Infrastructure Roadmap released by the environment Minister and his lapdog, John Barilaro, leads to dead ends, whichever way you hold up the map. Aside from building new renewable energy zones, which will require a hell of a lot of coal-fired power to build the infrastructure like grids, generators and networks, there will be no jobs and no real rewards for regional communities in the long run. Only yesterday I asked a question in the House about how many jobs the power stations will generate in our regions. I fear I know the answer, although I did not get one from the Minister. Unless you are the sun or the wind, you will not get a job out of the new power stations.

We do not even make the solar panels in Australia. We are not even producing most of the materials that will be used to make those energy farms. I believe there is only one solar panel manufacturing company in Australia. I wonder whether it will even see an order from this Government. It is absolutely appalling and unbelievable that the Government is selling it as a reliable future of energy; by its very nature, it is not. It will be a long time before renewables are reliable—if, indeed, ever. Battery technology cannot support the energy demands of New South Wales, let alone provide cost-effective energy solutions for large industrial users. South Australia's big battery can power the Tomago aluminium smelter for eight minutes and it costs \$100 million. It is not reliable, efficient or affordable; it is the exact opposite. Do I need to remind the Government of the drought that we have just experienced? People could not even fill a kitchen sink in the regions, let alone a hydroelectricity dam. How is the Government going to ensure reliability with pumped hydro?

We must know before we plunge into the new dark age. The left-wing, green Government—like some in the Opposition but maybe even greener—seems to think that it is okay to destroy industries, thousands of jobs and livelihoods, uproot entire communities that are centred on those industries and then say that they all just have to retrain in another job and just adapt. The woke seem to want to suppress what it is to be human: to be connected to what you do and where you live, and to the life you have created for yourself. They do it without any sense of duty and obligation to those communities. In fact, the Government seems more than happy to totally disregard the

regional communities that will be betrayed by this craziness. They showed us that with the recent grant rort and the subsequent shredding spree they went on when the paperwork was called for. The Shooters, Fishers and Farmers Party fully supports the call for papers by the Hon. Mark Latham. We commend the motion to the House.

**The Hon. NATASHA MACLAREN-JONES (17:37:57):** The Government does not support the motion in its current form. We have been on the record multiple times about the number of orders for papers under Standing Order 52—I think today we have about 15—and the copious amounts of documents that are produced. I am not going to repeat that. However, we are also open to transparency and providing documents where it is reasonable. On many occasions we have seen orders for papers put through as formal business or agreed to in the House. That is why I will seek to amend the motion as agreed to on 22 September 2020 to provide documents created regarding the impact of renewable energy zones on power prices, reliability, coal-fired power stations, firming capacity and grid connections without diverting large amounts of resources. Therefore, I move:

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

"under Standing Order 52, there be laid upon the House within 21 days of the date of passing of this resolution the following documents created since 22 September 2020 in the possession, custody or control of the Department of Planning, Industry and Environment or Minister for Energy and Environment relating to Renewable Energy Zones [REZ] in New South Wales:

- (a) any Department of Planning, Industry and Environment or Australian Energy Market Operator report or brief to the Minister for Energy and Environment regarding the impact of the New South Wales Government's Renewable Energy Zones policies on electricity reliability, electricity prices and the closure of coal fired power stations in New South Wales;
- (b) any document disclosing the firming capacity needed to make REZ effective;
- (c) any document disclosing the creation of electricity grid connections as a consequence of the establishment of the REZ; and
- (d) any legal or other advice regarding the scope or validity of this order of the house created as a result of the order of the House."

**Mr DAVID SHOEBRIDGE (17:39:54):** The Greens support the broad thrust of the Government's plan to at least get substantial renewable energy projects constructed in this State. We need a road map to do that because we all know that those ageing, unreliable and polluting coal-fired power stations will be falling over one after the other in the next few years. It is not the road map that The Greens would have chosen. The Greens would have chosen a publicly owned system. It would have been cheaper to produce, would have been able to be integrated across the State, would have had cheaper capital and would have returned the profits to the public. Of course that is what we would have chosen. We are on record as saying that. But we are also on record as saying, as we did in the State election, that there are five critical renewable energy zones in this State that we should be looking to urgently develop.

It is unfortunate that the Government has chosen only three of those and, in fact, really only has two of them in the immediate road map ahead. But The Greens support that concept of building the infrastructure to those renewable energy zones and ensuring that we have cheap, reliable renewable energy coming online as rapidly as possible to deal with the climate disaster and to ensure that we have a secure supply of electricity. The highly corporatised version that the Government is pushing is not our preferred model, but we are practical about this. We want to see achievements and we want to see the infrastructure built. If we do not—if we just do the dog-in-the-manger approach that some would suggest is the appropriate response—we will see ageing, decrepit and unreliable coal-fired power stations falling over one after the other and we will have blackouts like we cannot imagine.

No private capital wants to build a fossil fuel fired power station in this State. We either produce a policy framework that will produce a reliable, dependable and predictable supply of renewable energy or we do not. In productive discussions we are seeking to ensure that we have local procurement, that we have provisions for green hydrogen, that we ensure that the jobs are going to stay in the country and that it is Australian steel that is being used. Those are key issues that we should be looking at in this extraordinarily large investment pipeline. It is a complicated job. A huge amount of resources are going into negotiating this legislation through the Parliament. I do not think it is right to distract all of those resources with such a broad motion under Standing Order 52. In the circumstances, we are persuaded by the Government's amendments.

**Mr JUSTIN FIELD (17:42:49):** I speak to the motion to call for papers. I realise that in order to discuss the rationale around why we might or might not support a Standing Order 52 motion we can tend to stray off into the debates around energy policy. I will try not to do that as other members have. I have become a bit frustrated by the breadth of the number of calls for papers. I am a prolific reader of these documents and I can see the boxes mounting. I recognise that this is a huge policy announcement. A substantial amount of documentation will have been done. I recognise that the mover of the motion has had an interest in renewable energy zones and this area from the start and has made numerous attempts to seek papers to understand the decision-making, the planning, the documentation and the assumptions that have gone around all of that. I understand it.

I have also had the experience where there seems to have been an agreement over time within the crossbench to support the calls for papers of other members. I have been on the receiving end of a bad faith position at one stage—not from the Hon. Mark Latham, the member who moved the motion, but certainly from the Shooters, Fishers and Farmers Party. They refused to support a call for papers under Standing Order 52 that I legitimately moved around forestry issues. I had asked numerous questions in this place and had not received answers, undertaken Government Information (Public Access) Act 2009 requests and genuinely tried to get to the bottom of some fundamental questions around the planning in that industry, only to have it blocked on political grounds because of the issue. They did not like the issue.

My concern here is that some of the members supporting this call for papers, whether or not they have made good faith efforts to try to get to the bottom of information around this in the past, are doing it because their intention is to try to undermine this particular policy. That is well within their rights but I want to explain my reasoning for listening to the Government's concerns around the breadth of this and my intention to support the amendments. I recognise the legitimate concern of the member who has moved the motion to ask questions about this process. That is my rationale for supporting the amendment of the Government but ultimately supporting the order for papers that will result on the basis of that amendment likely passing this Chamber today.

**The Hon. MARK LATHAM (17:45:27):** In reply: It is a stunning moment that this Chamber would seemingly be willing to fly blind on the entire future of the New South Wales economy—every job, every consumer, every business, every household—on the basis of the forthcoming electricity bill that will arrive in this Chamber next week, guided by one-third of an advice written retrospectively by a Minister deliberately hiding the advice and modelling that he has that says there are catastrophic problems in the model he is advancing in legislation. His policy will lead to energy shortages in New South Wales and rising prices for consumers. The early warning signs are in the press today, where the Australian Energy Council and Grattan Institute energy director Tony Wood—hardly from the extreme right wing of politics—say that under this policy all of the risks are being shifted onto consumers. Out of that, we are likely to have higher costs for households and for business.

If this place is willing to take a Minister like the Hon. Matt Kean on trust on such an important and absolutely critical issue, with a third of an advice bodgied up retrospectively, this is an absolute betrayal of every tradition of an upper House to apply proper transparency and accountability. I say to Mr Justin Field and also to Mr David Shoebridge that the day they put their trust in Matt Kean to try to get their beloved policy right is one of the most catastrophic failures of judgement they will ever see in public life. There are dozens of ways to implement this policy. They are going down the pathway to try to do this with bodgied-up information, totally inadequate and out of a wretched process, because they see it essentially as a religion and anything will do. The truth is that they are supposed to be building a new energy system not for the next five years but for the next 500 years. That is what we are told. To get it wrong upfront will wreck their whole plan, their whole vision and their whole idea of what they are trying to do.

Why would one not go to the trouble of examining every document available to this Minister, and not this sham amendment calling for papers since 22 September? He has been working on this for the past 18 months and the Government amendment is calling for papers from the past 50 days, leaving out the key element of the impact on the coal-fired power stations. What an absolute fool the so-called progressive green crossbench has become. If Labor members support it they are bigger fools. It is a betrayal of every trade unionist and worker in this State, who rely on Labor to do the right thing and at least get the evidence. Get the transparent material and evidence on the table to have a look at, for the benefit of economic growth and our prospects in New South Wales. I find it completely unbelievable.

**The PRESIDENT:** The Hon. Mark Latham has moved a motion, to which the Hon. Natasha Maclaren-Jones has moved an amendment. The question is that the amendment of the Hon. Natasha Maclaren-Jones be agreed to.

**The House divided.**

Ayes .....23  
Noes .....18  
Majority.....5

**AYES**

Amato  
Boyd  
Cusack  
Faehrmann  
Fang  
Farlow

Franklin  
Harwin  
Hurst  
Khan  
Maclaren-Jones (teller)  
Mallard

Mitchell  
Nile  
Pearson  
Shoebridge  
Taylor  
Tudehope

## AYES

Farraway (teller)  
Field

Martin  
Mason-Cox

Ward

## NOES

Banasiak  
Borsak  
Buttigieg (teller)  
D'Adam (teller)  
Donnelly  
Graham

Houssos  
Jackson  
Latham  
Mookhey  
Moriarty  
Moselmane

Primrose  
Roberts  
Searle  
Secord  
Sharpe  
Veitch

**Amendment agreed to.**

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

**Motion as amended agreed to.****SCHOOL INFRASTRUCTURE****Production of Documents: Order**

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

That private members' business item No. 858 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. COURTNEY HOUSSOS (18:01:57):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, in electronic format if possible, created between 1 July 2018 and 28 March 2019 in the possession, custody or control of the Department of Education or the Minister for Education and Early Childhood Learning relating to School Infrastructure NSW hall projects:

- (a) all documents relating to School Infrastructure NSW hall projects at the following schools:
  - (i) Milperra Public School;
  - (ii) Nepean Creative & Performing Arts High School;
  - (iii) Jamison High School;
  - (iv) Kingswood High School;
  - (v) Yass High School;
  - (vi) Engadine High School;
  - (vii) Stanwell Park Public School;
  - (viii) Teven-Tintenbar Public School;
  - (ix) Glenmore Park High School;
  - (x) Queanbeyan West Public School; and
  - (xi) Jannali East Public School.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will be brief as there is a long list of items to get through today. I will simply outline why the Opposition is seeking this information about a series of school hall upgrades publicly announced by the Government. I can advise the House, noting the presence of the Leader of the House in the Chamber, that I have sought information on this issue through a series of questions on notice that have received cursory or generic answers. I am seeking the House's consideration in this call for papers because the information has not been provided through other means.

In the lead-up to the last election a series of hall upgrades were announced, but since the election the Minister has referred to a "halls program" in a number of media interviews. That is why I am seeking this information. If it is a halls program, are there program guidelines? Is there oversight in the allocation of funding for these school projects? What is the criteria for these standalone school hall upgrades to be announced? School

halls play an incredibly important role in school communities, but we want to know why these specific communities have been identified.

I repeat, I am seeking this information in the absence of any other information and in the absence of being provided with appropriate answers to questions on notice. I ask the Minister to outline the criteria for these specific hall upgrades—for example, whether the criteria was growing enrolment needs or a list of schools without school halls. I do so to give clarity to the public and the community as to why these specific programs were chosen. I will leave my remarks there and wait to hear from the Minister.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (18:02:50):** I state at the outset that the Government will not be opposing this call for papers. Obviously, a lot of these programs were identified prior to my time as education Minister, but my understanding is that these halls were commitments that we took to the election. We won the election and now we are delivering on those commitments. With the indulgence of the House, I note that the Hon. Trevor Khan was spending quite a bit of time in school halls at this time 45 years ago. He told me that today marks 45 years since he completed his HSC. We will see if he is watching this broadcast or if he reads this speech in *Hansard*. I apologise for diverting from the substance of the motion. I reiterate that the Government will not be opposing the call for papers.

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

**Motion agreed to.**

### TABLING OF PAPERS

**The Hon. DAMIEN TUDEHOPE:** I table the following papers:

- (1) Statutory and Other Offices Remuneration Act 1975—
  - (a) Report and determination under section 13 of the Statutory and Other Offices Remuneration Act 1975 entitled *Court and Related Officers Group: Annual Determination*, dated 7 September 2020;
  - (b) Report and determination under section 24C of the Statutory and Other Offices Remuneration Act 1975 entitled *Former Chief and Senior Executive Service: Annual Determination*, dated 7 September 2020;
  - (c) Report and determination under section 13 of the Statutory and Other Offices Remuneration Act 1975 entitled *Governor of New South Wales: Annual Determination*, dated 7 September 2020;
  - (d) Report and determination under section 13 of the Statutory and Other Offices Remuneration Act 1975 entitled *Judges and Magistrates Group: Annual Determination*, dated 7 September 2020;
  - (e) Report and determination under section 13 of the Statutory and Other Offices Remuneration Act 1975 entitled *Public Office Holders Group: Annual Determination*, dated 7 September 2020;
  - (f) Report and determination under section 24O of the Statutory and Other Offices Remuneration Act 1975 entitled *Public Service Senior Executives: Annual Determination*, dated 7 September 2020;
  - (g) Special report and determination pursuant to section 14 (2) of the Statutory and Other Offices Remuneration Act 1975 in respect of the Personal Injury Commission, dated 23 October 2020.

I move:

That the reports be printed.

**Motion agreed to.**

### *Bills*

### RETIREMENT VILLAGES AMENDMENT BILL 2020

#### Returned

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** I report receipt of a message from the Legislative Assembly returning the bill without amendment.

### *Documents*

### REVENUE NSW

#### Production of Documents: Order

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

That private members' business item No. 902 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. DANIEL MOOKHEY (18:06:05):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Finance and Small Business, Minister for Customer Service, the Department of Customer Service or Revenue NSW, relating to Revenue NSW investigations:

- (a) all documents, relating to all investigations undertaken by Revenue NSW since 1 July 2016 into the tax compliance of companies operating in the gig economy, or have operated in the gig economy; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The Opposition seeks the production of all documents regarding any tax investigation by Revenue NSW into any company operating in the gig economy, or any company that has operated in the gig economy. We do so to assist the Select Committee on the impact of technological and other change on the future of work and workers in New South Wales, which it is my honour to chair, and to assist its examination of whether or not payroll tax is fit for purpose. On the first sitting day of the inquiry issues to do with payroll tax surfaced. We would like answers to specific questions—for example, if gig companies are required to pay payroll tax, if they at a competitive advantage by not paying payroll tax, whether or not this is fair for other businesses that pay payroll tax, and whether or not this is creating competitive neutrality in the marketplace. These are just some of the concerns the inquiry is looking at in relation to the question of equality.

The inquiry is equally interested in the effectiveness of payroll tax as it is currently designed, specifically the contracted provisions of the relevant Act. On Monday Business NSW made the point that it has agitated for a review into those contractor provisions for a while, and with good reason. These contractor provisions were written well before the iPhone—well before the iMac, if we want to be technical. The contractor provisions were written well before the onset of the digital economy. It is apt and necessary to see whether or not they are fit for purpose. I assure the House that these documents should exist. Revenue NSW has confirmed through the budget estimates process that at least three investigations into gig economy companies have taken place. Equally, we have learned that Revenue NSW's demeanour is to apply an assessment on a gig company by gig company basis. In some respects they have said that payroll tax is payable.

The most common example is Foodora, a company that was issued a notice of assessment to the tune of \$500,000 for outstanding payroll tax. This led Foodora's directors to phoenix the company, leave the economy and go offshore after they equally received a bill from the Australian Taxation Office for outstanding taxes owed to the Commonwealth Government. We do not know whether or not Revenue NSW has made any other assessments or any other interpretations for any other company. Nevertheless, Revenue NSW is exercising immense power here. How it interprets the law is crucial. What factors of a gig company's business model causes Revenue NSW to interpret it in one way versus another is also crucial for us to assess whether or not the payroll tax system is fit for purpose. In that respect, it is necessary for us to do what we generally are loath to do when it comes to tax laws: to see how the sausage is made.

I make it clear that in moving this motion we are not pejorative to anyone who has paid payroll tax or who has not paid payroll tax, nor are we pejorative towards Revenue NSW or derogatory towards it in any respect. This is a genuine inquiry being undertaken by this House; it has already had an immense impact and it has already started a public debate. I refer members to today's editorial in *The Sydney Morning Herald* to see how seriously this inquiry is regarded and how welcome it is. Permeating the public mood is the sense that it is overdue and that it should have happened already. I know that some astute members may recall an earlier debate about a similar SO 52 motion regarding wage theft. In that debate we established that the House has the power to override the statutory immunities. We also established that the power needs to be carefully and diligently exercised.

Indeed, given that the House is already inquiring into the future of work, and payroll tax especially, it is absolutely clear that it is within the power of this House and that it is necessary for this House to discharge its functions to seek those documents. I anticipate that the Minister may disagree with me; I anticipate that the Minister may wish to repeat some of the arguments we have heard before, and I look forward to his contribution in that respect. In short, we are inquiring into the gig economy and the payroll tax application to it. The documents would be not only helpful but also necessary for our inquiry so that our questions can be informed and that our scrutiny is valid and capable of being taken seriously. We have the power and we should exercise it. On that basis, I commend the motion to the House.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (18:11:03):** What can I say about this? This is a full-on, straight-out abuse of process. The Commissioner for State Revenue has made a submission to the inquiry at the request of the mover of this motion, the chair of the inquiry dealing with this specific issue. The member wants all the documents before we have even heard or received evidence from the Commissioner for State Revenue. Clearly, to do that in those circumstances and to put Revenue NSW to the expense of what is now being sought is an abuse of the process of this House. A detailed submission has already been made by the commissioner outlining specifically how the office goes about collecting payroll tax in respect

of persons working in the so-called gig economy. Already that material is before the inquiry and is available to be scrutinised by members of the committee, and yet it is now being sought that we ask the commissioner in good faith to go through 52,000 customers to decide whether they fall within the ambit of "the gig economy"—whatever that means—and, in those circumstances, produce documents at taxpayers' expense.

This motion is an outrage. The mover knows that he has the commissioner's submission already on record and that he is making himself available. The mover can obtain the very same information for the purposes of his inquiry by calling the commissioner to provide that evidence to the inquiry. That is the fundamental way the process of this House is being abused. That the Government and the employees of Revenue NSW are being asked, in the middle of a pandemic when lots of people are still not at their place to work, to devote time to comply with this sort of expansive order shows the blatant disregard those opposite have for the processes of government. In many respects I would like to read on the record the submission made by the commissioner because it covers all the things that my friend has argued. The summary of this motion is this: We need to know; we need to put the Government to expense. [*Time expired.*]

**The Hon. DAMIEN TUDEHOPE:** I seek leave to speak for a further three minutes.

**Leave granted.**

**The Hon. Daniel Mookhey:** Just keep yourself under control.

**The Hon. DAMIEN TUDEHOPE:** I am under control, but it is just—

**The DEPUTY PRESIDENT (The Hon. Courtney Houssos):** The Minister will direct his comments through the Chair and not respond to interjections.

**The Hon. DAMIEN TUDEHOPE:** The fact is that if I go through some of the headings that the commissioner adopts in his submission—Key elements of the Payroll Tax Act, Assessing Payroll Tax Liability in the Gig Economy, Control and Direction, Control and Practical Relationship between the Parties, Contracts to Achieve a "given result", Independent Business, Power to Delegate—they address all the issues that are fundamental to the knowledge that the inquiry is seeking to avail itself of about how Revenue NSW works in determining whether Revenue NSW is properly assessing people. Yet this member says he wants to put the Government and Revenue NSW to significant expense. I will make it very clear: I support this inquiry and I believe that it is doing good work. An inquiry into the future of work is needed. If this pandemic has shown us anything it is that work is moving into new areas which we have not countenanced.

Some workers who are working from home are subjected to domestic violence at home. What happens in relation to that? The courts are already having to decide cases in that space. I welcome the broad ambit of this inquiry, but using a Standing Order 52 motion in circumstances like this is wrong, when the material that is sought to be elicited from Revenue NSW that covers all the sorts of parameters for assessing payroll tax is already there. I am speechless, if that is possible. I can say no more. The Government will oppose this motion and will oppose it for all the reasons that we have outlined in previous Standing Order 52 motions, which is the lack of consideration that is given to this process in circumstances where, potentially, the movers of the motion should be ensuring that they do not waste taxpayers' money.

**The Hon. DANIEL MOOKHEY (18:17:38):** In reply: I thank the Minister for his contribution to the debate. Insofar as there is any aspect of substance to his argument, I will address that first. His argument is that there is a submission and therefore the committee should accept the submission. It is true, the submission is most welcome; it is a good submission—no-one argues with that. What we have learnt through other calls for papers under Standing Order 52 is that the pattern of interaction between Revenue NSW and gig companies is itself revealing, as it is between other taxpayers. Ordinarily we would not disturb the privacy of a taxpayer and that should be a default provision; I agree with the Minister in that respect. But this is a new and challenging area. Each of those gig companies is mounting different arguments and it is fine for us to see them.

Secondly, to the general principle that we should avail ourselves of this information if we can, I point out that I have been asking questions of successive chief commissioners of revenue since 2017 and every one of them at every committee appearance says, "I cannot answer that question because of the statutory prohibition on the answer." I do not want to put the commissioner in a position, when he or she appears before the inquiry—the current commissioner is a he, but at some point one would expect it could possibly be a she—where they have to choose on the spot between an oath that they just swore to a House and their obligations to the law.

If we pass this motion and committee members can have access to this information, it means, first, that this process becomes far more effective; and, secondly, we avoid putting chief commissioners in a position where, once again, the statutory prohibitions will stop them from providing evidence that apparently the Minister says they would like to provide. In that respect, this is what is left available to us. I have made the point to the Minister;

I know that he is inclined to at least accept that there is an argument here. There is a need for a broader look at tax transparency laws in New South Wales so we can avoid these types of interchanges. I know that the Minister may wish to consider this. That is another cause for why that would be appropriate, but that is ultimately a matter for him.

I refer to the final aspect of the Minister's argument—that somehow this is an extraordinary abuse of process. We have dealt with this argument before when it comes to our inspections of tax. The Government has made a claim of privilege in a similar Standing Order 52. The Hon. Keith Mason, AC, QC, rejected it with a less than one page submission. He made the point that the inspection and scrutiny of taxation is the core of what upper Houses do. In fact, the whole purpose of the upper House since its inception, dating back to the days of the *Magna Carta*, is to inspect the revenue-gathering capacity of the State and whether it is being discharged properly. So in that sense, in moving this motion I am aligned with 1,000 years of parliamentarians who have preceded me. The Minister does not need to froth as much as he does when he opposes it. I always enjoy the contribution, but it is as unpersuasive now as it was three months ago.

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

**The House divided.**

Ayes .....23

Noes .....17

Majority.....6

#### AYES

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

Graham  
Houssos  
Hurst  
Jackson  
Mookhey  
Moriarty  
Moselmane  
Pearson

Primrose  
Roberts  
Searle  
Secord  
Sharpe  
Shoebridge  
Veitch

#### NOES

Amato  
Cusack  
Fang  
Farlow  
Farraway (teller)  
Franklin

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

Mitchell  
Nile  
Taylor  
Tudehope  
Ward

**Motion agreed to.**

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

### OPERATION TEPITO INTERIM REPORT

#### Return to Order

**The CLERK:** According to the resolution of the House of 21 October 2020, I table documents relating to an order for papers regarding *Operation Tepito Interim Report* documents, received this day from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

#### Claim of Privilege

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

### NEW INTERCITY FLEET

#### Production of Documents: Order

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

That private members' business item No. 889 outside the order of precedence be considered in a short form format.



**Motion agreed to.****The Hon. MARK BUTTIGIEG (20:03:44):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, in electronic format if possible, created since 1 January 2014 in the possession, custody or control of the Minister for Transport, Department of Transport, Transport for NSW, NSW TrainLink, Sydney Trains, State Transit, RailCorp, or the Department of Premier and Cabinet relating to the New Intercity Fleet [NIF]:

- (a) all documents, including all reports, all recommendations and all correspondence regarding safety and safety management systems;
- (b) the operation instruction manuals and all documents and correspondence regarding the operation instruction manuals;
- (c) all documents, all correspondence, all communication, all reports and all recommendations relating to the inclusion or exclusion of Train Guards on the New Intercity Fleet;
- (d) all documents, all correspondence, all communication, all reports and all recommendations regarding customer service guards on the New Intercity Fleet;
- (e) all contracts, all deeds, all proposed and issued contract variations and all related documents, all correspondence, all communication, all minutes and all reports regarding the New Intercity Fleet and Rail Connect NSW, Hyundai Rotem, UGL and Mitsubishi;
- (f) all documents, all correspondence and all communication regarding the preparation of the tender of the New Intercity Fleet and the final tender for the New Intercity Fleet;
- (g) all documents, all correspondence, all communication, all business cases, all reports and evaluation rationales regarding the appointment of Rail Connect NSW, Hyundai Rotem, UGL and Mitsubishi as the successful tenderer for the New Intercity Fleet project;
- (h) all documents, all correspondence, all communication and all reports relating to contract designs, operating models, design and output specifications of the New Intercity Fleet;
- (i) all documents, all correspondence, all communication and all reports regarding the inclusion or exclusion of traction interlocking of the crew cab door and the passenger emergency button on the New Intercity Fleet;
- (j) all documents, all correspondence, all communication, all reports and all minutes relating to any consultation with disability groups and agencies, work groups and community groups;
- (k) a copy of each non-disclosure agreement which relates to the New Intercity Fleet;
- (l) all documents, all communication and all correspondence regarding design deficiencies of the New Intercity Fleet;
- (m) all documents, all correspondence and all communication relating to the New Intercity Fleet and the lack of compliance or implementation with the Rail Safety National Law (NSW) No. 82a, Rail Safety (Adoption of National Law) Act 2012 No. 82, Rail Safety National Law National Regulations 2012 or Rail Safety (Adoption of National Law) Regulation 2018;
- (n) all documents, all correspondence and all communication with the Office of the National Rail Safety Regulator [ONRSR] regarding New Intercity Fleet;
- (o) all documents, all communication, all correspondence, all reports and all meeting minutes relating to consultation or feedback with or from any union or employee representative groups regarding the New Intercity Fleet; and
- (p) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

There are a great deal of concerns with the New Intercity Fleet. The South Korean trains have been fraught with problems from the beginning. The Liberal-Nationals Government disregarded New South Wales manufacturers and instead chose to build trains offshore, sending taxpayers' money and jobs overseas. They rewarded an overseas tenderer, claiming that they were cheaper than our local manufacturers. Now we have seen the fleet's costs skyrocket by more than \$1 billion. The Berejiklian Government's decision-making has led to problem after problem, empty promises, trains that were too wide for the tunnels and too long for the railway stations, a grave lack of appropriate consultation and a complete and utter failure to deliver the trains on time.

The most troubling issues are the significant safety concerns, especially the impact that it could have on our residents. The public has a right to know about those issues and how they are being addressed. Some 90 per cent of transport workers who were surveyed said that they would not staff the fleet when it comes into service because of their safety concerns. The operating model of the South Korean trains was designed to be driver only. Now the Berejiklian Government will remove guards from those train services. Some of those safety responsibilities have been shifted onto the drivers, but they are unable to undertake the much-needed work to protect commuters and vulnerable community members.

The Government has proposed a new position with a lower classification called a customer service guard, who is not permitted to perform any of the critical safety functions of train guards. In October 2018 the transport Minister met with Martin Stewart, the 2018 Blind Australian of the Year who lost his right arm and leg after he

was dragged beneath a Melbourne train for 200 metres. The train did not have a guard to help him or to alert the driver when he fell. The transport Minister stood next to Martin and publicly promised that guards would be maintained in their current roles. The Minister said:

I can assure Martin today - and the people of NSW - that under my watch, our new intercity trains will not be driver only as was being considered. Guards perform an important function on our railway, ensuring the safe operation of the rail network. They also go above and beyond to assist less abled passengers to board and disembark our trains.

The Minister has now broken his promise, as there will be no guards to perform that work. Design flaws mean that there will be no guards standing at the crew cab door to assess the platform for fall risks or to see people if they fall onto the tracks. Customer service guards will be locked in the crew cab without audio and will not be able to hear cries for help. There will be no mandated visual inspections of platforms and no hazard searches on trains. Passengers cannot seek assistance from a guard in emergencies; there will be only a button directing them to a remote call centre. The order for papers is much needed as the fleet has been shrouded in secrecy. In fact, the Berejiklian Government has forced stakeholders, including disability groups, into signing non-disclosure agreements.

What is the Government hiding? Preventing community groups and testing crews from speaking out about serious safety concerns means that the Government is actively trying to deprive the public of essential information that it is entitled to. Under the Rail Safety National Law, the operator must consult with unions regarding the introduction or variation of a safety management system. Alarming, the Government has failed to meet its obligations on that issue. In October it was reported that the fleet was delayed yet again. The fleet was already delayed for more than one year. The Government made a false promise that services would begin in late 2019. It is 2020 and it appears that it is likely to be delayed until 2021.

There is not enough information on the implications of the design flaws, safety issues, train delays and blowouts in costs. The public has a right to know and should not be kept in the dark. Their taxpayer dollars were spent on South Korean trains that pose many safety risks to the public. The call for papers is necessary to try to see through all of those issues that are shrouded in mystery and secrecy. The Government should agree with the call for papers so that the Opposition can scrutinise what has gone wrong with the whole fiasco of the South Korean trains purchase.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:08:48):** It is great when there are union reps in this place. The Hon. Mark Buttigieg has come here with his union hat on and a list of demands. The list of demands is a page full of documented requirements that the union leader wants the Government to provide to Labor members. This document epitomises everything that is wrong with how the Opposition approaches these Standing Order 52 motions. The scope of this call for papers is so wide as to defy credibility. The Opposition wants the operation instruction manuals and all documents and correspondence regarding the operation of instruction manuals. It wants all documents, all correspondence, all communication, all reports and all recommendations relating to contract designs.

It wants all documents, all correspondence, all communication, all reports and all minutes, relating to any consultation with disability groups and agencies, workgroups or community groups. Not limited to anything else, it wants all of this created since 2014. Opposition members have made no attempt to negotiate on what they want to see. In fact, when the Government approached those opposite to attempt to limit the scope, there was no response. The Government will take advantage of the opportunity afforded by the motion passed earlier today to try to limit the scope of this order for the production of documents, but this Standing Order 52 is potentially worse than any other Standing Order 52 application made to this House.

These orders could require staff to engage in 850 hours of work to comply with the order. Since 2019 Transport for NSW has spent over 7,000 hours working hours exclusively on Standing Order 52 motions. This is equivalent to at least four or five full-time public servants working exclusively on responding to orders for papers for over a year without exercising any leave entitlements. I am advised that Transport for NSW anticipates that this order will take 600 hours to respond to at an expected cost of some \$200,000. The motion currently before the House is a disgrace.

**The Hon. MATTHEW MASON-COX (20:12:07):** I have listened to the impassioned speech from the Leader of the House. I have had only a brief look at the motion. It is quite extraordinary to ask for everything from 2014. There is no doubt that this will be the first candidate for the new sessional order. I thank Mr David Shoebridge for bringing it to the House for the rest of the session because this qualifies on so many fronts. This is an outrageous abuse of power. I have always been a strong advocate of the use of Standing Order 52 motions to hold the Executive to account in this place, but this is just extraordinary. It calls for everything from 2014 that you could imagine. I cannot imagine what the Opposition is going to do with it; it will go into the Mookhey wing.

Documents will be gushing out of the Mookhey wing as the semitrailers head down from Transport for NSW. They will come in the gates and they will be unloading into the Mookhey wing for days. Quite frankly, the budget has to find some funding for the Mookhey wing, which means we will not have funding for a range of things in New South Wales that are much more worthy than this vexatious use of the Standing Order 52 power. I urge members to consider this request and to look at each of the long list of documents down to subparagraph (p). Thank goodness we have only 26 letters in the alphabet because otherwise we would have been in a lot of trouble. It is an abuse of the power and the comments from the Leader of the House understate how outrageous this situation is. We have here—

**The Hon. Damien Tudehope:** Greg Donnelly.

**The Hon. MATTHEW MASON-COX:** Where is the Hon. Greg Donnelly?

**The Hon. Damien Tudehope:** He is a very sensible man.

**The Hon. MATTHEW MASON-COX:** He is a very sensible man who had a few things to say. I am glad the Leader of the House has brought this to my attention. On 24 September 2009 the Hon. Greg Donnelly said:

It is important to understand that this motion goes to the heart of the Government's objection to calls for papers. Members cast their net as far as they can to see what can be hauled in and then express confected umbrage when the Government indicates it thinks that is a little unreasonable. Interestingly, in most cases there is no discussion with the Government and no due respect paid to the offices of Ministers or their staff in foreshadowing these issues. The Government is fitted up with these motions at relatively short notice. There is no background discussion or attempt to see whether there is a preparedness to deal with the issues and reach some settled resolution about obtaining information. It is a case of: Go in there—wham, bam, thank you, ma'am.

"Wham, bam, thank you, ma'am" has reminded the Hon. Mick Veitch of the David Bowie song *Suffragette City* and he is tapping his foot.

**The Hon. NATASHA MACLAREN-JONES (20:15:20):** Earlier tonight I raised the point that that there are 15 Standing Order 52 motions on the *Notice Paper* today. The Government has at many times supported SO 52 motions through formal business. There are means to make amendments to ensure that papers are produced, but not only is this motion onerous as a task for our departments—and we have heard it described as the Mookhey room—but also we have to start being realistic in what we are asking departments and offices to produce. Subparagraphs (a) to (p) ask for all documents and all forms of communications, which means they will be capturing emails that are not even directly relevant. Those opposite are constantly talking about Ministers being directly relevant in question time, but they are asking for documents that are not going to be relevant to the topic. A huge amount of time, money and resources will be spent.

Advice of the Solicitor General and Anna Mitchelmore in 2014, which has been tabled in the House previously, provides that it is reasonable to query or dispute an order that refers to a subject matter that is so broad and unwieldy as to create great practical difficulties upon compliance, and that is what this is. Asking for this in 28 days is a huge ask on a department, on staff and on resources that should be better spent. The Government has on many occasions been keen to be transparent, has produced documents and has come to the table to ask where things can be more realistic. I ask members to start thinking realistically about what we are asking departments, staff and our Government to be able to produce financially. This is only an onerous task.

**The Hon. TAYLOR MARTIN (20:17:25):** I speak in opposition to the order for papers proposed by the Hon. Mark Buttigieg in regard to the new train sets. The motion requests an excessive list of documents so that the member can go on a fishing expedition through the papers that relate to the New Intercity Fleet of trains. These trains are currently being tested and will soon begin regular passenger service. I encourage the honourable member to catch one of these new trains and go on an actual fishing expedition up Hawkesbury River, or perhaps to Wondabyne Station on Mullet Creek when the trains begin rolling out on the Central Coast and Newcastle Line soon.

The facts in relation to these trains are well established and I do not see the need for anything further. The trains will replace the much-loved and comfortable V-sets that have served members of the public well for 50 years but are approaching the end of their serviceable life. The trains will also facilitate the transfer of H-sets to the suburban network. These trains were ordered by the last Government and will not be missed by commuters. The two-by-three seat layout and the uncomfortable seats were dreaded by those who travel long distances in them each day. These trains were never fit for purpose.

I was fortunate enough to visit the mock-up for the New Intercity Fleet in 2018 with the transport Minister and the Government Whip in the other place, Mr Adam Crouch. I saw that that the community was being consulted on the set-up of the carriages. The new state-of-the-art fleet of New Intercity Fleet trains will have USB charging, comfortable two-by-two seats, luggage storage and accessible toilets. What else could this order for papers possibly show than what is already relevant and available in the public domain?

We already know that the winning contractor was some \$575 million cheaper than the next highest bidder, but given the Labor Party's refusal to consider international bidders for the supply of carriages, it would have paid at least \$575 million more, at a minimum, for these train sets—probably more, considering that the tender would have been even less competitive should those circumstances have arisen. Given the extensive information on the public record about this \$2.4 billion investment in the new carriages, I implore all members to oppose this motion.

**The Hon. MARK BUTTIGIEG (20:20:04):** In reply: Thanks for the contribution but it was the same old, tired arguments; the same old, tired rebuttals. Every time, almost without fail, the same arguments get trotted out: too much, too wide, it is going to cost too much. Minister Constance argued that these trains were 25 per cent cheaper. Do those opposite know how much the cost has blown out by? And they have the temerity to talk about us asking for papers to scrutinise the cost blowouts. The cost has blown out by \$1 billion of taxpayers' money, and those opposite have the hide to talk to us about administrative costs for papers to scrutinise their operations and their maladministration.

The Leader of the House speaks about me representing unions. He can say that day and night, every minute, because I wear it as a proud badge. Let me tell the Minister a few of the stories about real people who have issues with this and who have tried to get information out of the Government. This is not just about the unions; this is about real people. I will quote Maria:

When my daughter was 3 years old, she missed the step onto the train and fell through the gap. Yelling to the train Guard, they ceased movement until my daughter was pulled out safely and returned to us.

These are stories of incidents that happened when there were train guards present. Emily's story was as follows:

In May 2017, Emily, pregnant with her first child, fell as she was stepping onto the train at Redfern. Her stomach stopped her from slipping between the train and the platform. The Guard was the first on the scene after hearing her cry for help and provided first aid and assistance. Thankfully, both Emily and her baby boy are ok.

A report of another incident stated:

A toddler fell between the train and the platform. Several passengers climbed down and rescued the child by crawling between the train and platform and collecting the child and carrying them back. Guards were able to help with this process.

Those opposite want to tell me that their Minister for Transport goes up to this bloke who had an accident down in Victoria and tells him that these will not be driver-only trains and that they will put guards in. Then those opposite turn around and say that they are going to have customer service people locked in cabins, looking at monitors with no audio, and that that is a safe thing—and they have the temerity to tell us that we cannot call for papers.

Every time we say "all documents" in one sentence, the Government says that is a catch-all, but when we are surgical and we specify exactly what we want, the Government does not like it. Not one of those points was rebutted on its merits. They are the same old platitudes: We are asking for too much, it costs too much, they do not want to be scrutinised. We will keep scrutinising the Government, we will ask for the papers and we will use the power of this House to scrutinise the Government up hill and down dale because that is what it deserves.

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

**The House divided.**

Ayes .....24  
Noes .....17  
Majority.....7

#### AYES

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

#### NOES

Amato	Harwin	Mitchell
Cusack	Khan	Nile

## NOES

Fang  
Farlow  
Farraway (teller)  
Franklin

Maclaren-Jones (teller)  
Mallard  
Martin  
Mason-Cox

Taylor  
Tudehope  
Ward

**Motion agreed to.**

*Bills***ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (PROHIBITION OF WASTE TO ENERGY INCINERATORS) BILL 2020****Second Reading Debate**

**Debate resumed from 5 August 2020.**

**The Hon. BEN FRANKLIN (20:35:32):** I oppose the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020. The bill seeks to introduce a blanket prohibition on energy from waste development across New South Wales. There is simply no evidence that demonstrates that such measures are necessary or appropriate. The planning system provides a sufficiently robust framework in which to assess and manage developments such as energy from waste facilities. This bill represents a rigid approach that will create inequities in the planning system by introducing a blanket prohibition for one type of development, while other major projects are considered under the merit-based assessment framework established by the Environmental Planning and Assessment Act 1979.

The bill would have an immediate impact on pending applications for energy from waste developments that are already under assessment, resulting in an unjustified waste of time and money to applicants, a waste of government resources and a loss of confidence in the planning system. It would also prevent due consideration of future proposals. These measures only serve to discourage investment in innovative waste management in New South Wales at a time when such innovation is urgently needed. It also risks losing potential new jobs and construction sector stimulus. The planning system already excludes certain developments in specific land use zones set out in State and local environmental plans and policies.

The provisions in the bill propose to add an additional permissibility layer by prohibiting energy from waste development regardless of the zone. This is incompatible with the planning framework of New South Wales, which in areas where development is permitted assesses development proposals on their merits—as it should be. Blanket prohibitions deny proponents the opportunity to have their development applications considered at a project level, which is a well established feature of our planning system. This merit-based approach allows decisions to be made with regard to the specific circumstances and location of a development based on quantifiable facts and assessment data. Major projects such as energy from waste facilities require environmental impact statements, which set out all the matters likely to affect the environment.

The Department of Planning, Industry and Environment, along with other relevant agencies, will thoroughly review the project and consult with the community and local councils before reaching a decision on any project. Section 4.15 of the Environmental Planning and Assessment Act requires a decision maker to consider a wide scope of matters, including the likely economic, social and environmental impacts of a development. Community consultation is also an important component of the assessment process and the decision maker will take into account the views of the community during the assessment. If the assessment demonstrates that a project has negative impacts that cannot be managed, it is likely that the project will be refused. Conversely, projects will be approved if the impacts are found to be acceptable and manageable, which is as it should be. That approach to environmental impact assessment is international best practice. It is used in many countries as a method for determining proposed developments.

Recent reforms in New South Wales have improved our planning system. We have added greater independence to the decision-making process by introducing more assessment by independent panels. We have introduced local planning panels across the Sydney metropolitan area, in Wollongong and on the Central Coast. We have strengthened the role of the Independent Planning Commission. A panel that is truly independent and expertly qualified reduces greatly the risk that the decision maker will have a conflict of interest. That approach helps to depoliticise planning decisions and improves the thoroughness and quality of decision making. Panel assessment improves the quality of planning decisions because it relies on experts with demonstrated qualifications in areas such as planning, architecture, environment and heritage. Those experts are well placed to make technical decisions about individual development applications within the context of strategic plans set by government and councils.

In addition to the planning framework, air quality legislation administered by the NSW Environment Protection Authority [EPA] applies to projects such as energy from waste facilities. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Clean Air) Regulation 2010 contain stringent requirements that apply to those developments. In 2016 the EPA released the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*, which set air quality targets to ensure that air quality and human health are not compromised. Environmental protection licences impose operating conditions on licensed facilities to make sure the facilities manage their impacts in accordance with the requirements of the legislation.

In 2015 the *NSW Energy from Waste Policy Statement* was adopted. The statement notes that using waste to produce energy can offset other non-renewable energy sources but it will only be supported if it will deliver positive outcomes for people and the environment. The bill is inconsistent with the approach adopted in the policy. The policy does not place a generic ban on energy from waste facilities. Instead, higher risk facilities are subject to more stringent assessment criteria. Again that is absolutely as it should be. Those technical criteria ensure that emissions are below certain levels that may pose a risk to the community and that facilities meet international best practice standards.

The Eastern Creek energy from waste facility was the first proposal assessed against the policy. In 2018 it was refused by the Independent Planning Commission, which demonstrates the robustness of the existing regulatory framework. The Government is working towards securing energy supplies for the people of New South Wales. That means not only supporting traditional energy sources and the burgeoning renewable energy sector but also considering innovative and emerging sources of energy. The Government is investigating options for better waste management through the development of a 20-year waste strategy as the sector is undergoing significant change due to shifts in domestic and global markets. The project includes considering the potential of energy from waste facilities to play a part in New South Wales' waste management system. The prohibition that the bill seeks to create will pre-empt the outcome of that project and will stifle growth and innovation in the waste management industry.

All members know that market innovation will be vital to progressing improvements in waste and energy outcomes for New South Wales in the coming years. It is important to avoid unwarranted regulatory hurdles and roadblocks, such as those proposed by the bill, because they may frustrate completely efforts to respond to novel challenges that face the industry. Innovation in waste avoidance, minimisation and management should be sought actively while maintaining high levels of assessment rigour relating to environmental and human health.

The proposed prohibition on energy from waste facilities is not warranted. Legislative provisions are sufficiently robust to determine whether a development project is suitable for any given location and to manage potential impacts from any such development. Further, the bill's measures go against the merit-based approach of our planning system and against the risk-based approach adopted in the *NSW Energy from Waste Policy Statement*. It is inappropriate to create blanket prohibitions on certain types of development without giving due consideration to the merits of a proposal, especially the proposals currently under assessment. Supporting the bill would undermine confidence in the planning system to deliver informed determinations through merit-based and scientifically rigorous assessment processes. Those measures would place unnecessary roadblocks in the way of innovation for an industry that faces many complex challenges going forward. For those reasons the Government recommends that the House oppose the bill.

**The Hon. ADAM SEARLE (20:45:04):** I lead for the Opposition on the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020. The Labor Opposition will oppose the bill but not entirely for the reasons outlined by the Government. We disagree vigorously that the current planning system is fit for purpose when it comes to dealing with the complexities of waste to energy. There is a broad spectrum: from the sophisticated waste to energy facilities that we see in many parts of the world, including continental Europe, to the travesty of dial-a-dump proposals, which are little better than incinerators. The planning system is not fit for purpose in dealing with those at the present time. That is why last year the Labor Opposition introduced into the other place a bill that would have pressed pause on waste to energy matters in New South Wales while the planning system was brought up to speed and made fit for purpose in dealing with those matters in the early part of the twenty-first century.

That bill was blocked by the governing parties. If it had been passed and if the things that the Opposition recommended had been done, current waste to energy proposals that currently are dividing communities in western Sydney would have been subject to new, better, higher and more stringent planning standards, as they ought to be. But that was not the case because the Government took the view, as the Parliamentary Secretary has outlined, that the planning system is fine. We know the planning system is not fine. We remember well how long it took to work out a proper regime for the assessment of wind farm proposals. It took nearly six years for members opposite to develop assessment guidelines in the planning department to properly come to grips with those matters.

For five of those six years those guidelines were in draft form. On last count they had at least three iterations. That demonstrates the difficulties of a one-size-fits-all assessment process when coming to terms with new and emerging technologies. It took a while for the planning system to come to grips with those and it has not been able to come to grips with waste to energy. That is the historical situation that we currently face.

The Opposition agrees with the Government that imposing a ban for all time is not the answer. The bill seeks to prohibit new development for the purpose of waste to energy incinerators. It would ban waste to energy facilities altogether, including, as the Parliamentary Secretary has acknowledged, applications currently in the planning process. The only exemption in the bill would be for clinical waste or other exempt waste fuel. That would constitute a complete ban without any concern for the possibility of using sensible, well-regulated waste to energy to deliver low-emissions energy and for the jobs that that could bring.

Other countries have strict standards that waste to energy facilities must meet, allowing developments that meet those standards to proceed. Indeed, waste to energy facilities are located in suburban Paris on the banks of the Seine, which is an indication that you can do some things well if you do them properly. I acknowledge that continental Europe also has nuclear power, which I do not recommend for New South Wales. We recognise that there are complexities. We want strict standards to apply to all waste to energy facilities. Had the Government joined with Labor I think we could have addressed all of those issues. We do not support the bill before the House because we do not support a blanket ban.

We are mindful of community concerns and I take a moment to reflect on the conversations I have had and the insights that have been given to me by some of my parliamentary colleagues in the other place, including Stephen Bali, the member for Blacktown and former mayor; Edmond Atalla, the member for Mount Druitt; Dr Hugh McDermott, the member for Prospect; Mr Anoulack Chanthivong, the member for Macquarie Fields; and Ms Prue Car, the member for Londonderry. There are a number of MPs in western Sydney whose communities are very concerned about those proposals. Those members have engaged constructively with their communities—in some cases with proponents—and a broad consultation has informed the development of the Labor Party's position, which I will outline.

The planning system must be brought up to speed. We indicate that we will consult widely with industry, communities, stakeholders and experts, as well as with our parliamentary colleagues, to develop Labor's waste to energy legislation, which will meet key principles. Although we will consult on the detail, those guiding principles will inform our approach to the bill so that is what I will outline. We believe that New South Wales should have an objective of achieving 75 per cent waste recovery by 2030. We recognise and the legislation should expressly recognise that social licence is a vital requirement for approval of a waste to energy facility for a number of reasons. One is that it is an obvious fact of any development, but also because it is new and not understood. There are special concerns because the first essays into this type of technology have been so terrible and so unmeritorious—

**The Hon. Shayne Mallard:** Early ones.

**The Hon. ADAM SEARLE:** Yes, I acknowledge that interjection. There must be a benchmark of recognising the need for social licence. There must be a commitment, clearly outlined in legislation, that we would envisage recovering energy from residual waste only—that is, implement a resource recovery hierarchy where energy is to be recovered only from resources that cannot reasonably and practicably be recycled or repurposed in other sustainable ways. Waste to energy should be an appropriate resource recovery option only when there are no technical, environmentally sustainable and economically practicable alternatives further up the waste recovery hierarchy that are available. Waste should be genuine residual waste only, meaning that all practicable steps have been applied to recover material through best-practice source separation and recycling. Hazardous waste should be banned from use in waste to energy facilities altogether and clearly legislated to give the community the confidence it needs to not be frightened of them.

The planning system should prioritise proposals that provide secure, long-term energy supply arrangements for the energy they intend to produce. That energy should be used productively and should contribute to reducing demand for fossil fuel-based energy. Those are key principles that must be baked into the regulatory apparatus. Waste to energy proposals must use technologies that meet minimum energy recovery performance standards. Perhaps those should be assessed with reference to the European Union's R1 energy efficiency indicator for determining the energy recovery performance of thermal treatment facilities for solid waste from non-hazardous materials and determined by the Chief Scientist. It may be that the European Union framework is not the best. In conversations with some of my colleagues and some experts it has been put to me that it is not world's best practice, so we want to make sure that any new regulatory framework is flexible and not locked into current technology. Hopefully, it can incentivise the creation of better technologies and be sufficiently open and flexible to recognise that. We should strive for world's best practice in energy efficiency.

The NSW Chief Scientist should be tasked with reporting to Parliament on a 12-months basis on a framework for waste to energy proposals to be assessed in accordance with the genuine residual waste principle and how the planning framework should be best updated to accommodate waste to energy, including addressing issues of transport, location and appropriate emissions standards with net zero to be required by 2030. We do not think that is unreasonable. Waste to energy proponents should be required to submit proposals that set out the waste types and the source separation processes to be used; document the waste supply chain, including sources; confirm that the technology to be used can operate on a residual waste only basis; put in place a clear monitoring and management system from waste acceptance, load quantum, processing and any outputs; demonstrate any secure, long-term energy supply arrangements for energy produced; and disclose how the energy produced will be used and will contribute to reducing demand for fossil fuel-based energy.

Those principles have been distilled from a number of sources, including the 2015 *NSW Energy from Waste Policy Statement*, the 2020 *Queensland Energy from Waste Policy* and the 2020 *Western Australian Position statement on waste to energy: Getting our Waste Sorted* as well as conversations with colleagues, external stakeholders and experts. Our principles are not meant as a definitive list but, rather, are indicative of the approach that the New South Wales Labor Party will take to developing a legislative framework that we hope to bring back to this Parliament as soon as reasonably practical. Those principles will inform that approach and we hope that we end up with an approach that is world's best practice, that lifts the standards of the planning system and that provides community confidence that waste to energy proposals will be properly and thoroughly assessed in a modern, twenty-first century way and not something to be concerned about.

While there is often a lack of faith in the process with planning issues generally, that is exacerbated around waste to energy proposals for a number of reasons. I suggest that one of those reasons is the history so far of unmeritorious applications. It is also a result of the newness of the technology and the prevailing concern that Australia and New South Wales are not getting the best proposals but just the dumps—the incinerators. That is not good enough for western Sydney, it is not good enough for any community and we must do all we can to raise the bar and lift the standard. Those are our concerns about the existing framework and we will strive to improve that, but we cannot support an all-time blanket ban, which we reject. For those reasons we oppose the legislation but will bring forward our own positive solutions.

**Mr JUSTIN FIELD (20:57:38):** I speak in support of the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020. I thank my colleague Ms Cate Faehrmann for bringing the issue to the attention of the House. I know she has done that with the support of community advocates, particularly out in western Sydney, who are concerned about the risks presented to their communities—their schools, childcare centres, playgrounds and shopping centres being right next door to that type of industry. Many people perceive it as one that is bad for their communities' health.

It is worth reflecting on why they are concerned about that: Public health was an overriding consideration when the Independent Planning Commission rejected the next-generation waste incinerator proposal at Eastern Creek in 2018. I note that Parliamentary Secretary the Hon. Ben Franklin is not in the Chamber at the moment, but I was interested to hear how much he relied on the Environmental Planning and Assessment Act as somehow the strategy by which communities could have some confidence in ensuring that issues with projects—whatever they may be—are adequately addressed. Certainty was a term that he raised.

Let us have it cut both ways, then. How is it that the community, when faced with this proposal, mounted a campaign that was concerned with the potential impact? The Independent Planning Commission found that public health was a concern and rejected the proposal. In addition to the fact that it is being appealed in the Land and Environment Court, we have now got four other proposals in the Sydney Basin for the same technology. Sometimes sound decisions are made about our planning system, but because we have a proponent-led development system, the community then has to have the same fight time and again. The community keeps feeling like it has to have those fights because there is a lack of fundamental principles and guidelines and there is no plan for the future. Eventually they lose because something with many conditions is approved and never adequately enforced or upheld. Those projects get a life of their own because of the limitations of the planning system that is being driven by proponents. I guess there is an assumption of approval even if it is with conditions.

I take issue with the way the Government has put it forward that somehow it is the strategy that addresses those concerns. We have had an Independent Planning Commission decision. We now have four other proposals in the Sydney Basin. I ask members: Do they think it is a good idea that we burn our rubbish in the middle of a city that has an air quality problem? We know it has an air quality problem because of the air inversions that happen in the Sydney Basin. It was an issue many years ago before I moved to New South Wales. Air quality has been improving over time. We have made decisions to try to remove those sources of pollution from the city, but now we are introducing another one mainly because there is no plan for the future of waste.

**The Hon. Wes Fang:** Inversions are a natural occurrence.



**Mr JUSTIN FIELD:** Yes, and we should consider those natural occurrences when a proposal is put forward that could create a source of pollution that we cannot necessarily address.

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

**Mr JUSTIN FIELD:** The Hon. Wes Fang is invited to address the bill.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order! Mr Field, I expect you to resume your seat when I say, "Order!". I call the Hon. Wes Fang to order for the first time. Mr Field will not concede to the temptation to respond to interjections. Leave that to me.

**Mr JUSTIN FIELD:** I will indeed, Mr Assistant President. I look forward to the Hon. Wes Fang informing me about the facts of temperature inversions, air quality controls, incinerator plans and the concerns of the community in western Sydney. No doubt he has a long track record of advocacy on those issues. It is useful for us to look at the history. I was particularly interested in the comments by the Opposition. I welcome the suggestion of a 75 per cent target of waste recovery under a future Labor Government. That sounds great. I remember having this conversation with an old friend of mine whom some might remember, Mr Ian Cohen. He talked about those issues a lot when he was in this place some time ago. Members might remember the Waste Minimisation Management Act 1995, which was legislation that was enforced in New South Wales. The underlying principle of that Act is outlined in 1 (a), which states, "to achieve by the end of 2000 a 60 per cent reduction in the amount of waste disposed of in New South Wales".

It is remarkable to look at the history of the decision making on this legislation. Just two years later that Act was replaced by the Protection of the Environment Operations Act. We threw out all suggestion of having some target-based plans for managing waste in New South Wales. Some 25 years later we have a growing waste problem and no modern recycling industry in Australia on any scale. There is a global waste problem and communities around the world are saying that they do not want to burn waste. Having a target of 75 per cent is a great suggestion. But here we are 25 years later. We have missed an opportunity. That goes to the heart of why communities are frustrated about this, because we have known the challenge of waste. It has been coming for a long time. Ask any primary school student. They learn about waste at school. They will remember seeing *War on Waste* on television and doing projects at school about how they can minimise waste in their own home by making wise purchasing and consumption decisions. We know that there is a hierarchy of waste. It is a bit different today than it was in 1995. With more technologies, we know that we can do more.

For the benefit of members who may not have spent a lot of time thinking about waste, the hierarchy of managing waste is to first avoid creating waste. We should re-use that waste where we can. We should then recycle. We should look to recover energy from that waste and I will get to that in a bit more detail. We should then treat that waste. The very last thing we should do is dispose of that waste. The reality is that the Government has set about developing a 20-year waste strategy in New South Wales. That strategy has not been finalised. What exactly will the planning system do with those proposals that are on the table when focusing on the back end of the waste hierarchy when the 20-year strategy of waste management has not been finalised in New South Wales?

That is another disconnect in the planning system: the Government's policy settings that should be science-based and built on our understanding of how to manage waste in the public interest. I will go back to avoiding waste. We have heard the right messages from the environment Minister. When he announced that this waste strategy was going to be developed, I remember him saying again that we were going to have a single-use plastic ban. Where is that?

**The Hon. Shayne Mallard:** A plastic strategy.

**Mr JUSTIN FIELD:** We are going to have a plastic strategy? Maybe we are going to avoid single-use plastic after all. I mean, it is only the first—

**The Hon. Shayne Mallard:** All kinds of things.

**Mr JUSTIN FIELD:** Exactly. And it should. We should have strategies to avoid waste. Where is the single-use plastic strategy or ban?

**The Hon. Shayne Mallard:** In the plastic strategy.

**Mr JUSTIN FIELD:** Yes, but it is not there yet. We are looking at burning waste before we develop the strategy for avoiding it. Where is the extended producer responsibility plan? Everyone in this place knows it is necessary if we want to avoid waste. We have heard Federal Government members talking about bringing all the States together. How much money will be spent on the Commonwealth recycling strategy? Where did that go? I do not think any money has been spent on it. We understand the frustrations of communities when the focus of the Government is not on the simple things that can make a big difference, such as reducing waste, reducing the

cost of disposing of waste and the potential pollution. I know that part of the strategy talks about waste to energy. But that is basically what the bill does.

Let us deal with the simple things first. We can avoid most waste. We can re-use and get an economic benefit out of it. We can do waste to energy without incineration. That is often lost in this discussion. People think we have to burn waste to create energy. That is not what waste to energy is. I have said to the Environment Protection Authority and the environment Minister's office directly: Please do not allow the discussion about waste to energy in your strategy to be about incineration. But that is the only proposal that is on the table because of proponent-led development. No-one has a plan and no-one is trying to guide that investment. Waste to energy is far more complicated than that. It can be obtained through landfill or fermentation strategies. If people separate their waste well, it is more easily done. The real concern is about air quality and that is why it is a problem in Europe. Do not listen to anyone saying waste to energy is happening all over the world and that they have technologies to deal with the air quality impacts.

At the end of the day, Europe is moving away from this technology for two reasons. There is genuinely an air quality issue with it. The other thing is that it creates a natural pull factor for waste. If we build this technology, we have to feed the beast. It is only economical if we keep burning the waste. That is how it generates the income to pay for the capital put in by large waste companies. We need to keep burning the waste to generate the energy to sell it. If we come up with a new technology to avoid waste, if we have extended producer responsibility, if we remove single-use plastic or come up with better recycling technologies, the people who are going to be concerned about that are those who build the big waste incinerators. We will have this pull factor.

Then lobbyists in the building will say, "No, please do not incorporate that brand-new, fandangle modern waste-reduction technology. It will hurt our business model that you have just approved. This is a bad thing for us." It creates a pull factor. We know that happens. Europe is moving away from that technology for that reason. When we know there are other ways to deal with waste, it is really dangerous to allow the proponent-led development to drive our waste strategy. That is what is happening.

That is fundamentally why I support the bill. It does not rule out waste to energy in any way, shape or form. It rules out incineration for certain types of waste. We owe it to the public to have strategies in place to ensure that we are doing the avoid, doing the reuse, doing the recycle and doing recovery from energy. It does not need to be incineration. We are avoiding the risks that the Independent Planning Commission recognised in 2018 out at Eastern Creek when it knocked back the next-generation waste incinerator. Before we have even had time to consider how we can move forward with better technology, we have four more on the table. That is the wrong way to go about developing a plan for the future for waste, particularly when the rest of the world is starting to say that it does not want our waste anymore. We must come up with a strategy to get the best value out of that waste and reduce the impacts.

I recognise that potentially there might be some faults with the bill or that it might go a bit too far, but at the end of the day, it will mean that we put a handbrake on projects that could detract from our ability to do the right thing when it comes to managing our waste in the public interest and the interests of public health. I support the bill and I congratulate the member on bringing it. I congratulate the community in western Sydney, which has mounted a strong public campaign of concern. I know that they had a lot of success in influencing Labor MPs in particular before the last election. I welcome the comments from the Leader of the Opposition that his party will look to develop its own strategy to address some of those issues. I think we can be a bit braver with the 75 per cent target, given that in 1995 we had a 60 per cent target. I am sure that if we could have reached that then, if only we had tried to, then we can do better than 75 per cent this time around.

**The Hon. SHAYNE MALLARD (21:11:16):** I oppose the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020. I do so as someone who participated in the Portfolio Committee No. 6 - Planning and Environment inquiry in 2017 and 2018, which was very much focused on energy from waste and the proposal at Blacktown, although it was expanded out further. It was a very good inquiry and made some good recommendations. The bill before us seeks to introduce a blanket prohibition on energy from waste across New South Wales. In my view it is a blunt instrument that treats all proposals as the worst types of technological approach that there could be. It does not take into account the evolving technology across the world—and even in Australia and in New South Wales—in terms of this part of the waste cycle. There is no evidence that demonstrates that measures such as blanket bans are necessary or appropriate in our State. As the Hon. Ben Franklin said, the planning system provides a sufficiently robust framework in which to assess and manage developments such as energy from waste facilities.

I acknowledge some of the points made by the Leader of the Opposition. I thought there was not a lot of space between the Government and the Opposition on some of those issues. There are always opportunities to make a more robust planning framework; the inquiry certainly suggested that that was needed. The bill represents a rigid approach that will create inequities in the planning system by introducing a blanket prohibition for one

type of development while other major projects are considered under the merit-based assessment framework. Merit-based assessment is a fundamental point in our planning system and in the Act. This morning when I came to Parliament, I drove past six protesters and a really out-of-tune folk singer in The Domain. One of them said hello to me. It was the same lady who I saw protesting for koalas in Macquarie Street two days earlier. The point I am making is that this is a political private member's bill. It is not intended to address this legitimate area of the environmental and recycling process in a sophisticated way. It is not unusual for The Greens to work in that direction.

A prohibition only serves to discourage investment and innovation in waste management in New South Wales at a time when such innovation is needed urgently. It risks losing potential new jobs in construction and stimulus for our State. I recall quite vividly that in the inquiry some opponents to the proposal at Eastern Creek were other companies in that sector who were more innovative. They were concerned about its size, where it was getting the fuel for that proposal and its emissions. Those companies, which were often European-based and working in other States in Australia, want to come to New South Wales. I am not aware of who the four applicant companies are, but they are probably involved in that. Others were scientific researchers or consultants supporting those companies. The industry itself was saying that the proposal was not a good one and we could do better. We saw that in evidence from around the world. The energy from waste proposal is actually a means of energy recovery. It should not be solely about waste disposal. I think people get that confused.

The waste hierarchy that the State has adopted dictates that it is preferable to recycle—75 per cent, but, as we heard from the previous speaker, we should go for higher. It is preferable to recover the energy that is locked into the residual material rather than disposing of it as landfill, which is the current practice. I emphasise that energy from waste is a process of dealing with the residual material that is left after all of the recyclable material has been extracted and recycled. The problem at the moment is that people seem to think that it is your domestic red bin that is going to be burnt. That should be going through a recycling process and some councils do not do that. Wearing my councillor hat, I can say that the City of Sydney does do that. But that material is so contaminated and not sorted enough—it cannot be extracted enough even by hand—that it has to go to landfill.

At the moment it goes to Woodbine down in the south of New South Wales, which we visited, and to an old coalmine for landfill. But it is appropriate, with the right environmental safeguards in the right location, that that material can be put through an energy from waste process and the energy extracted. The residual of that is then safely put into containment. The material is a small component left over from the process of recycling. Many of those processes operate overseas, as we have heard from the Leader of the Opposition, but sadly you cannot compare apples to apples. We learnt that in the inquiry too. For example, the energy from waste incinerator in Mexico burns all the waste of the city and powers the city's entire tram system. But that is not what we are talking about. It is not what we want in New South Wales and we should not compare that type of system with what is being proposed here.

Likewise, the Leader of the Opposition mentioned the facilities in London. Some of them are quite old and nowhere near as efficient as the newer ones. There is an argument that perhaps communities should be responsible for disposing of their waste close to where they create it. There is a strong argument about vehicle mileage and carbon footprint for the awareness that the garbage bin that I put out in a back lane once a week will be sorted and that what is left will be destroyed up the road, not out at western Sydney or down at Woodbine. There is an argument to have waste dealt with locally.

We heard about best-practice technologies in the inquiry. Energy from waste produces less harmful emissions than burying material in landfill. It can assist in reaching renewable energy goals and can be a viable alternative to landfills. The committee said in its recommendations that energy from waste is legitimate in the waste hierarchy. There are still legitimate concerns surrounding energy from waste technology and whether it is environmentally sound. The community is anxious about that and I think some people are playing into that anxiety. There are concerns about whether it will undermine resource recovery and recycling, and we have heard that. It requires stringent controls around the material that is going in. But in the inquiry, that radical, right-wing, conservative think-tank organisation, the City of Sydney under Clover Moore, made a submission. It said that it supports energy from waste as part of that hierarchy. Just the tip of it, but it supports it. The City of Sydney is at the cutting edge of recycling and zero emission and whole-of-life waste in our State, if not our country.

I will turn to some of the elements of the planning system to remind members how robust it is, acknowledging that the Government can always do better. The planning system already excludes certain developments in specific land use zones as set out in State and local environmental plans and policies. The provisions in the bill propose to add an additional permissibility layer by prohibiting energy from waste developments regardless of the zone anywhere in New South Wales as well as another layer of planning red tape. That is incompatible with the principles of the New South Wales Planning Framework, which assesses development proposals on their merit in areas where development is permitted. Blanket prohibitions deny

proponents the opportunity to have their development applications considered at a project level, which is a well-established feature of our planning system. It is a basic right in terms of land ownership.

The merit-based approach allows decisions to be made with regard to the specific circumstances and the location of a development, based on quantifiable facts and assessment data. Major projects like energy from waste facilities require environmental impact statements that set out all the matters that are likely to affect the environment. Those requirements are quite onerous. The Department of Planning, Industry and Environment, along with other relevant agencies, will thoroughly review the project and will consult with the community and local councils before reaching a decision. Section 4.15 of the Environmental Planning and Assessment Act requires a decision-maker to consider a wide scope of matters including the likely economic, social and environmental impacts of a development.

Community consultation is an important component of the assessment process and the decision-maker will take into account the views of the community when doing the assessment. I remind members, as we have heard from the proponent for the bill, that after the Eastern Creek proposal was assessed it was refused by the Independent Planning Commission on the basis of the arguments that were put forward by a range of organisations, including area health, the councils and the community. The planning system worked. I heard someone interject over another member who was contributing to debate by saying that the Eastern Creek decision is being appealed. Well, there is a right to appeal. We are not extinguishing appeal rights. Also, I believe ownership of the project has changed.

**Mr Justin Field:** Sometimes you do.

**The Hon. SHAYNE MALLARD:** I did not interject during your speech.

**The ASSISTANT PRESIDENT (The Hon. Rod Roberts):** Order! The Hon. Shayne Mallard will resume his seat. I instructed the Hon. Shayne Mallard to cease interjecting during Mr Justin Field's contribution to debate on the bill. I will display the same courtesy to the Hon. Shayne Mallard. Mr Justin Field will cease interjecting or he will be put on a call to order.

**The Hon. SHAYNE MALLARD:** I acknowledge that and I apologise. Of course, you lose your spot when there are interjections. If the assessment demonstrates that a project has negative impacts that cannot be managed, then it will most likely be refused. Conversely, projects will be approved if the impacts are found to be acceptable and manageable. That approach to environmental impact assessment is international best practice and is used in many countries as a method for determining proposed developments. Recent reforms to the planning system in New South Wales have further improved our planning system. We have added greater independence to the decision-making process by introducing more assessments by independent panels. Many members of Parliament find those independent panels very difficult because they are at arm's length from government, as they should be.

The Government has introduced local planning panels across the Sydney metro area, in Wollongong and on the Central Coast, and it has also strengthened the role of the Independent Planning Commission. When a panel is truly independent, expertly qualified and supported, that greatly reduces the risk that the decision-maker will have a conflict of interest or influence exerted upon them. That approach also helps to depoliticise planning decisions and improves the thoroughness and quality of decision-making. A panel assessment improves the quality of planning decisions, as it relies on experts with demonstrated qualifications in areas such as planning, architecture, environment and heritage, to name a few. Those experts are well placed to make technical decisions about individual development applications within the context of strategic plans set out by the Government and local councils.

In addition to the planning framework, air quality legislation administered by the Environment Protection Authority [EPA] also applies to projects like energy from waste facilities. That certainly played a role in the refusal of the Eastern Creek application. Both the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Clean Air) Regulation 2010 have stringent requirements that apply to those type of developments. In 2016 the EPA released the *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*, which set air quality targets to ensure that air quality and human health are not compromised. Environmental protection licences are issued and impose operating conditions on licensed facilities to make sure that the ongoing operation of facilities manage their impacts in accordance with the requirements of the legislation.

That is very technical, but I remember that there were consultants who were proponents of the project in the inquiry and they showed a chart with a school on it and they talked about recipients. It turned out that those recipients were children, and they were the recipients of pollution. The community is genuinely confused by that type of talk, but it is very concerned about air pollution. I grew up in western Sydney and I live in western Sydney,

so I know all about the air inversion and the pollution that turns up the day after it has been in the CBD, although it is a lot better today than it used to be. That concern was a big consideration. I am sure the four proposals that are being debated, along with the appeal to the EPA over air quality issues and the health impacts, will be uppermost in any consideration of whether that is appropriate for western Sydney.

The *NSW Energy from Waste Policy Statement* was adopted by the Government in 2015. While the statement notes that using waste to produce energy can offset other non-renewable energy sources, it will only be supported if it will deliver positive outcomes for people and the environment. The proposed bill is inconsistent with the approach adopted in the policy. The policy does not place a generic ban on energy from waste facilities. Instead, higher risk facilities are subject to more stringent assessment criteria. Those technical criteria ensure that emissions are below certain levels that may pose a risk to the community and also ensure that facilities meet international best-practice standards. The Eastern Creek energy from waste facility was the first proposal assessed against the policy and was refused by the Independent Planning Commission in 2018. That demonstrated the robustness of the framework.

It should be noted that the Government is working towards securing energy supplies for the people of New South Wales. That means supporting not only traditional energy sources and the burgeoning renewable energy sector, but also innovative and emerging sources of energy, technology and private sector proposals and investment. The Government is investigating options for better waste management through the development of a 20-Year waste strategy, as the sector is undergoing significant change due to shifts in domestic and global markets. The project includes considering the potential of energy from waste facilities to play a part in the New South Wales waste management system, and the prohibition that the bill seeks to create will pre-empt the outcome of that project. The prohibition that the bill seeks to create will stifle growth, innovation, investment and certainty in the waste management industry.

Market innovation will be vital to progressing improvements in waste and energy outcomes for New South Wales in the coming years. It is important to avoid the unwarranted regulatory hurdles, new levels of red tape and road blocks—it is not a handbrake, which Mr Justin Field referred to; it is a road block or a concrete barrier to that type of investment—that are proposed by the bill, as they may completely frustrate efforts to respond to novel challenges that face the industry and the community. Innovation in waste avoidance, minimisation and management should be actively sought out, while still maintaining high levels of assessment rigour in terms of the environment and human health. The proposed prohibition of energy from waste facilities is just not warranted. As I have already described, legislative provisions are sufficiently robust to determine whether a development project is suitable for any given location and to manage any potential impacts from such a development. That has been proven to be the case already.

Further, those measures go against the merit-based approach that is the fundamental principle of our planning system and the risk-based approach that was adopted by the *NSW Energy from Waste Policy Statement*. It is inappropriate to create blanket prohibitions on certain types of development without giving due consideration to the merits of a proposal, especially those proposals that are currently under assessment. Supporting the bill would undermine confidence in the planning system to deliver informed determinations following thorough merit-based and scientifically evidence-based rigorous assessment processes. Finally, those measures would place unnecessary roadblocks on innovation for an industry that faces huge, complex challenges going forward. For those reasons I recommend that the House opposes the bill.

**The Hon. SCOTT FARLOW (21:28:21):** I contribute to debate on the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020. In her second reading speech, Ms Cate Faehrmann cited the potential impacts to air quality, the environment and human health as reasons for advancing the bill. I can assure the House that those are issues that the Government and the planning system also take very seriously. It is the Government's view that the bill is unnecessary and will only add to the cost of doing business in New South Wales. It risks potential new jobs, construction sector stimulus and international investment in the State. There is no evidence to suggest that the proposed prohibition is needed to address any of those concerns.

The bill will create inequities in the planning system by introducing a blanket prohibition for one type of development while other major projects are considered through a merit-based assessment process. That would have an immediate effect on pending applications for energy from waste developments that are already under assessment and it would prevent due consideration of future proposals. The planning system, alongside existing environmental legislation, operates so that development proposals, including energy from waste facilities, undergo thorough examination to ensure that the health of the community and the environment is not compromised.

The planning system already excludes certain development in specified land use zones set out in State and local environmental plans and policies. The provisions in the bill propose to add an additional permissibility layer, by prohibiting energy from waste developments regardless of the underlying zone. The Environmental Planning

and Assessment Act 1979 imposes rigorous assessment requirements for State-significant projects. This ensures that the impacts of major projects are thoroughly scrutinised before an informed decision is made. Section 4.15 of the Environmental Planning and Assessment Act requires a decision maker to consider a wide scope of matters, including the likely economic, social and environmental impacts of a development. Community consultation is also an important component of the assessment process, and the decision maker will take into account the views of the community during assessment.

Decision makers have the power to refuse developments if the assessment shows that a project will have significant negative impact or to approve projects if the impacts are acceptable and manageable. The approach to environmental impact assessment is international best practice and is used in many countries as a method for determining proposed developments. The planning system operates alongside other environmental legislation to ensure that all impacts are properly assessed and managed. Air quality legislation administered by the Environment Protection Authority, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Clean Air Regulation) 2010, also apply to projects such as energy from waste facilities. The *NSW Energy from Waste Policy Statement* from the Environment Protection Authority in 2015 also sets out a risk-based approach to the recovery of energy from waste in which higher risk facilities must meet more stringent assessment criteria but are not prohibited.

A proposed project will need to demonstrate in an environmental impact statement that the air quality targets and requirements for emissions can be met and that human health will not be compromised. Furthermore, if a facility is approved the operation is monitored and managed through environmental protection licences that impose operating conditions on licensed facilities to ensure ongoing compliance with the legislative requirements. It should also be noted that the Government is investigating options for better waste management through the development of a 20-year waste strategy, including the potential of energy from waste facilities. The prohibition that this bill seeks to create will pre-empt the outcome of this project and stifle innovation in the waste management industry.

The existing planning assessment processes have been operating for many years and are generally well accepted as a fair and transparent decision-making mechanism. The environmental assessment requirements include the submission of an environmental impact statement addressing all relevant matters, and community consultation is a vital part of this process. This is a robust and thorough process that ensures that a project is suitable for its proposed location and that potential impacts are managed. The provisions of the bill will unduly prevent the merit-based assessment of energy from waste proposals, including those currently undergoing assessment. Instead, the bill proposes a blanket prohibition on energy from waste developments in New South Wales without appropriate evidence demonstrating that this is necessary or warranted. I recommend the House oppose this bill.

**Ms CATE FAEHRMANN (21:32:35):** In reply: I thank members who contributed to the debate on the Environmental Planning and Assessment Amendment (Prohibition of Waste to Energy Incinerators) Bill 2020: the Hon. Ben Franklin, the Hon. Adam Searle, Mr Justin Field, the Hon. Shayne Mallard and the Hon. Scott Farlow. This bill was important to have this place draw a line in the sand to reassure the community that New South Wales will not go down the path of risking public health and the environment for the easy fix of waste to energy incinerators. The Hon. Ben Franklin stated in his speech that there is no evidence that the prohibition on waste to energy and incinerators is necessary or appropriate, which suggests that the threat these facilities pose to our communities is dealt with through the planning system.

There have been a lot of developments and work over the past few years in relation to these incinerators and the health risks that they pose. A recent report commissioned by the Greater London Authority found that waste to energy incinerators cause the deaths of 15 Londoners per year, and that 70 National Health Service doctors have called for new development plans to have these incinerators scrapped. That is because incinerators cause a litany of health issues, including respiratory, cardiovascular, developmental, reproductive and hormonal, and immune system problems, including cancer. Waste to energy incinerators do not represent a convincing business case either.

A number of speakers to this bill talked about how such a ban on these incinerators would stifle innovation in terms of recycling waste in the waste industry. In fact, these waste to energy incinerators do the opposite. They are the lazy solution that stifle any moves towards a circular economy. The contracts in terms of fuel mean that there needs to be 25 years of hundreds of thousands of tonnes of waste produced to feed these incinerators; therefore, completely stifling innovation in terms of moving towards a circular economy. They stifle innovation in terms of waste recycling by totally stopping governments from doing something about a waste problem because governments can instead burn waste, sell waste and make money from the waste that will pollute communities. I note that the current Cleanaway proposal claims it will create 50 permanent jobs, but diverting half of the

500,000 tonnes of the projected feedstock for that incinerator to recycling would result in over 400 jobs. Waste to energy incinerators are, in fact, being decommissioned in the European Union.

**The Hon. Matthew Mason-Cox:** Old ones.

**Ms CATE FAEHRMANN:** I acknowledge the interjection. The European Union has recommended that member States decommission old plants without replacements. They have encouraged more investment in source separation and non-incineration technologies. I mentioned in my second reading speech that some countries were experiencing the need to import waste to feed the contracts that they had with their waste to energy incinerators. This is what those countries have got themselves into. The industry would have us believe that their technology is environmentally friendly and low emission, but that is not true either.

It is again another greenwashing marketing ploy from an industry that sees the ability to make a huge amount of money from burning rubbish. So, of course, they are going to say that they are incredibly green and the big fix that governments are needing. But for decades they have not put in place the measures that have been needed to address our recycling and waste crisis. The emission reduction figures quoted by the industry are only achieved by deducting the emissions from landfill storage. There is also the bottom ash by-product that still also has to be dealt with, as well as the daily transportation of millions of tonnes of waste and the lost opportunity in terms of genuine resource recovery.

I note the Hon. Ben Franklin's mention of the renewable energy zones for New South Wales, which I feel the western Sydney communities would be frightened about. Is western Sydney going to become another renewable energy zone for New South Wales? There is solar out in Narrabri—there is coal as well—but let us go wind and hydrogen too. And then let us sprinkle these toxic waste to energy incinerators throughout western Sydney. The Government's vision is to have waste to energy incinerators out in the western Sydney renewable energy zone. That is a great idea. I am sure the community would love that! Let us talk about the community opposition to this because I note that the Hon. Shayne Mallard said that this is a political bill that The Greens have brought forward. He drove into Parliament the other day—

**The Hon. Shayne Mallard:** Today.

**Ms CATE FAEHRMANN:** Today, and he saw six people out the back of Parliament House with a banner. I think that is an incredibly unfair comment when political protest is not happening in this State because of COVID rules. One month ago, when there was another protest against the same bill, 20 people were out the back of Parliament House. That is the maximum that could have appeared.

**The Hon. Wes Fang:** Twenty?

**Ms CATE FAEHRMANN:** That was the public health order: Only 20 people could gather for a protest. If any more than 20 people gathered for a protest—I know that it is 500 now—police would send the people home and say that we could not have a rally. In fact, for 2020, there have been pretty much no political rallies at all that people can attend. So it is disingenuous and a little bit disrespectful to the community to comment on the 20 people attending a protest. Let us remember that in 2018 there were 10,000 people who signed petitions—community residents and members of the community who were concerned—

**The Hon. Natasha Maclaren-Jones:** Point of order: I just wanted to raise the issue that this is meant to be a speech in reply. The member should be replying directly to what has been raised during the debate. A bit of latitude has been given but I ask that we come back to the topic of the reply as opposed to the member making another second reading speech.

**Mr Justin Field:** To the point of order: Ms Cate Faehrmann was responding to comments directly made during the debate by members of the Government, who seemed to criticise the number of people who turned out at the back of Parliament House to raise issues about waste incinerators. That was mentioned specifically by Government members in the second reading debate. To that extent, Ms Cate Faehrmann was responding, as I believe members are entitled to do in reply. I am not sure that you were in the chair at the time, Mr Deputy President.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** I was here. I was listening. It is somewhat relevant, but I ask Ms Cate Faehrmann to return to her speech in reply. I have given quite wide latitude up to this point.

**Ms CATE FAEHRMANN:** Just to be very clear, I was specifically referring to a contribution to the debate and this is my reply to that contribution. I thank the Hon. Adam Searle for his contribution on behalf of the Labor Party and I note that Labor has flagged that it will begin consultations with communities and proponents to prepare their own waste to energy legislation, which I believe may come forward some time next year. It is great

to hear that Labor is going to do that; however, this has been an issue for a number of years and it has been an issue of some concern in many Labor electorates in western Sydney.

The issue with bringing something forward towards the end of next year is that currently there are four waste to energy projects that are on the table that communities are incredibly concerned about. Some are in western Sydney. There is the Cleanaway one, the Matraville waste to energy incinerator, Energy Australia's Mount Piper Energy Recovery Project in Lithgow and Next Generation Pty Limited at Eastern Creek. Members have talked about this tonight and we are well aware of those. I welcome what hopefully next year will be Labor's dedication to bringing forward a strong bill that members of this place can get behind. I certainly hope that The Greens can support that as well.

In closing, I remind members of an interview between the Premier and Ben Fordham on 2GB prior to the May 2019 State election. When asked about what she would do to prevent Next Generation's incinerator proposal, the Premier was happy to say that she had ruled it out and felt very strongly that Eastern Creek was not the right place to have it. If Eastern Creek should not be subjected to the type of waste to energy incinerator that was going to be put there two years ago, what suburb in New South Wales should be? I urge members in this place to support this bill. I commend it to the House.

**The DEPUTY PRESIDENT (The Hon. Taylor Martin):** The question is that this bill be now read a second time.

**The House divided.**

Ayes .....6  
Noes .....34  
Majority.....28

#### AYES

Boyd (teller)  
Faehrmann

Field  
Hurst

Pearson  
Shoebridge (teller)

#### NOES

Amato  
Banasiak  
Borsak  
Buttigieg  
Cusack  
D'Adam  
Donnelly  
Fang  
Farlow  
Farraway (teller)  
Franklin  
Graham

Harwin  
Houssos  
Jackson  
Khan  
Maclaren-Jones (teller)  
Mallard  
Martin  
Mason-Cox  
Mitchell  
Mookhey  
Moriarty

Moselmane  
Nile  
Primrose  
Roberts  
Searle  
Secord  
Sharpe  
Taylor  
Tudehope  
Veitch  
Ward

**Motion negatived.**

#### *Business of the House*

#### **POSTPONEMENT OF BUSINESS**

**The Hon. ROD ROBERTS:** On behalf of the Hon. Mark Latham: I move:

That private members' business item No. 897 be postponed until the next sitting day.

**Motion agreed to.**

#### *Documents*

#### **DUBBO BRIDGE PROJECT**

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

**The Hon. MICK VEITCH:** I move:

That private members' business item No. 883 outside the order of precedence be considered in a short form format.



**Motion agreed to.****The Hon. MICK VEITCH (21:57:36):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 3 April 2011 in the possession, custody or control of the Premier; the Department of Premier and Cabinet; the Minister for Planning and Public Spaces; the Department of Planning, Industry and Environment; the Minister for Transport and Roads; the Minister for Regional Transport and Roads; the Department of Transport; and Transport for NSW relating to the new Dubbo bridge project:

- (a) the final benefit-cost ratio report for the new Dubbo bridge project;
- (b) the final business case for the new Dubbo bridge project;
- (c) all documents relating to representations from members of Parliament relating to the new Dubbo bridge project;
- (d) all documents relating to community consultation for the new Dubbo bridge project, including all documents summarising consultation comments;
- (e) all documents relating to assessment of the alternative high-level Troy Bridge freight way or ring-road route proposal; and
- (f) 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 do not intend to take up a lot of time. Recently I was in Dubbo and met with the council and a group of people who are opposed to the new Dubbo bridge project. In fact, I brought back a petition on this project signed by 11,000 people and more signatures are coming. There is a fair degree of opposition to this project but in the discussions after presenting the petition, a number of members raised concerns about their difficulties in having their Government Information (Public Access) Act [GIPAA] applications responded to in a timely fashion and the information being provided. That is the first thing. The second thing is that Dubbo Mayor Ben Shields spoke to me at length about some of the difficulties the council has been having. I gave an undertaking that I would move a Standing Order 52 motion to assist that community in obtaining the information it has been seeking. It appears that it has been—well, thwarted is probably a harsh word.

**The Hon. Walt Secord:** Use it.

**The Hon. MICK VEITCH:** I will use it. It has been thwarted in its attempts to obtain information on this project. The trucking industry representatives told me that they had not been consulted about the project. They will be one of the main users of whatever project goes ahead so I would have figured that a public servant out there would have spoken to the trucking industry about the project. I undertook to the Dubbo community and to those individuals that I would move a motion for a call for papers under Standing Order 52 to assist them in collecting the information they require. They have made attempts. In fact, I have lodged some applications under GIPAA on their behalf. A number of things are going on at the same time. I ask the House to assist that community.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:00:09):** This is another motion addressed to Transport for NSW for an order for papers under Standing Order 52. The new Dubbo bridge is a vital infrastructure project for Dubbo to ensure that access to community freight and emergency services is maintained during a major flood event by providing a second high-level crossing over the Macquarie River. The bridge will reduce congestion and improve access around Dubbo by providing an alternative crossing to the north of Dubbo connecting to the new Dubbo health precinct.

The Transport cluster respects the power of the House to make orders for papers in exercising its functions, including its function as a house of review. The Transport cluster will continue to work closely with the Department of Premier and Cabinet and other agencies to ensure that all requirements of orders for papers are met. Those orders can require staff to review large quantities of documents within seven to 21 or 28 days, often in the context of technological limitations. I respect the time limits specified in the member's motion. The Transport cluster has received around 27 orders for papers under Standing Order 52 in the current term of Parliament since June 2019.

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

**The House continued to sit.**

**The Hon. DAMIEN TUDEHOPE:** Orders for papers have resulted collectively in thousands of documents being produced to the Legislative Council, requiring considerable resources that have tested the available capacity within the cluster. At the risk of continuing to irritate the Hon. Mark Buttigieg with my repetition of those events, I will go through them again. A response to a call for papers under Standing Order 52 can divert many hundreds of staff hours from tasks that are critical to the effective operation of the Transport cluster.

Since June 2019 Transport for NSW has spent over 7,000 hours working exclusively on orders for papers, which is equivalent to at least four or five full-time public servants working exclusively on responding to orders for papers for just over a year, without exercising any leave entitlements. That includes 830 hours or 118 working days responding to the CBD and South East Light Rail order for papers, and 850 hours or 121 working days responding to orders relating to each of the Newell Highway procurement and WestConnex contracts. It goes on and on. Staff are already at capacity in undertaking their regular duties, and this is another one. The Government expects the order for papers sought by the motion to take between 250 and 300 hours. Members should not take my word for it. A member of this House said:

I had hoped that we learnt some lessons from the call for papers relating to the Building the Education Revolution, which resulted in about 15 truckloads of papers being delivered to the Parliament for which space had to be found to store them. But that is another issue.

Who said that? It was the mover of this motion.

**Mr DAVID SHOEBRIDGE (22:03:20):** The Greens support the motion. There is significant concern in the local community about what I thought was the River Street bridge project but which has been rebadged as the new Dubbo bridge project, going smack through a much-loved local reserve with almost no community consultation. It was simply foisted on the community. A lot of community members who have contacted my office have said that plenty of other options have far less social and environmental damage and that they cannot work out how the project has got to this point without a consideration of those alternatives. The community wants to know why the Government chose the project.

The community would not be asking The Greens to support this call for papers under Standing Order 52 if the Government had been honest and transparent in the first place. Instead, it has rammed the project through and treated the local community with contempt. The Greens are standing up for the community and forcing the transparency that since day one the community has been asking for from its Government. The Government's only answer is that it will take a bit of time and cost a bit of money to explain why it is planning to foist the project in such a form on Dubbo. Unlike members opposite, The Greens think the people of Dubbo deserve some time, attention, answers and transparency from the Government.

**The Hon. MICK VEITCH (22:04:56):** In reply: The Leader of the House spoke about wasting resources and yet he had someone scroll through *Hansard* from 10 years ago. That would have been a misuse of resources. Members on this side of the House could do the same thing and quote the Hon. Matthew Mason-Cox, the President, the Deputy President or the Hon. Catherine Cusack. The roles are changed. Ten years ago the Hon. Matthew Mason-Cox was saying the same things that I am saying now. I do not initiate many calls for papers under Standing Order 52; I pick and choose. I take the power very seriously. The Hon. Damien Tudehope knows that. I go through the process of meeting the tests, including seeking information through applications under the Government Information (Public Access) Act 2009 and through questions on notice. The motion is not a frivolous attempt. The statements made by the Hon. Damien Tudehope indicate that he does not take it seriously. I could move a range of motions calling for papers under Standing Order 52 if that is the way the honourable member wants to do it.

As I said earlier, I am moving the motion on behalf of the Dubbo community. I came to the House asking for information sought by that community. I am doing that through the GIPAA and through the Standing Order 52 procedure. I am following the process. If you are suggesting that the people of Dubbo do not deserve the information, if the department had played fair with the people of Dubbo when they lodged their GIPAA applications and provided information, perhaps we would not be debating the motion. The problem is that some departments—not all—do not provide the information via the GIPAA. The Government must address that problem. It might help adjust the number of motions for orders under Standing Order 52 in the Chamber. I commend the motion to the House. I hope the people of Dubbo get the information that they deserve.

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

**The House divided.**

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

AYES

Banasiak  
Borsak  
Boyd  
Buttigieg (teller)

Houssos  
Hurst  
Jackson  
Mookhey

Primrose  
Roberts  
Searle  
Secord

## AYES

D'Adam (teller)  
Donnelly  
Field  
Graham

Moriarty  
Moselmane  
Nile  
Pearson

Sharpe  
Shoebridge  
Veitch

## NOES

Amato  
Cusack  
Fang  
Farlow  
Farraway (teller)

Franklin  
Harwin  
Khan  
Maclaren-Jones (teller)  
Mallard

Martin  
Mason-Cox  
Mitchell  
Taylor  
Ward

## PAIRS

Faehrmann

Tudehope

**Motion agreed to.**

### PARK'NPAY APP

#### Production of Documents: Order

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

That private members' business item No. 870 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ADAM SEARLE (22:19:13):** I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, created since 2 April 2019 in the possession, custody or control of the Minister for Customer Service or Service NSW relating to the Park'nPay app:

- (a) all documents sent to or received from private companies contracted to assist in the development and maintenance of the Park'nPay app;
- (b) all documents sent to or received from any local council official or councillor relating to proposed contracts for the Park'nPay app; 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.

This motion refers to an app developed by the Department of Customer Service, which is seeking to create a competitor to the already commercially available parking apps used in place by a multitude of councils, which flies in the face of current council tendering arrangements. As I understand it, the Government is seeking to force this app on local communities and councils whether they want it or not. It raises a number of issues—quite apart from those concerning its utility—of competition policy and government neutrality. Establishing a new commercial app to use and compete in an immature market raises concerns and issues. It is an issue of some controversy. The Department of Customer Service has apparently engaged only one provider. There has been no competitive tender process to ensure that taxpayers will receive value for money. It has been controversial with councils and the parking council, which has a number of members, including Local Government NSW.

While we do not need to descend into the issues of the controversy here, it is important that we say that we are not against digital transformation or making life easier using apps of this kind. But there are real questions about how this Liberal-Nationals Government is stifling competition and innovation. Instead of providing certainty and confidence to this private sector to allow digital and smart technology companies to flourish and grow so they can employ people, this Government has been heavy-handed in the way it has gone about forcing this app—which it paid to have developed in questionable circumstances—on local communities whether they want it or not. It flies in the face of the obligations of those councils and the way they procure goods and services. The order for papers is not extensive. It should be in reasonably short compass, unlike some of the other ones that we have dealt with this evening. I earnestly urge all honourable members to join with the Opposition in calling for those papers.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (22:22:10):** I will make the usual comments. The Government will be opposing the motion. Those opposite have won; they have worn me

down. I will say the same things in relation to this order for papers. I concede that this is not a large order for papers under Standing Order 52 and should not necessarily take up the 7,000 hours of time that a previous order did. I make one point: If ever there was a government committed to digital solutions and supporting startups, it is this Government. It has identified the opportunity of engaging small business and has committed itself to assisting small businesses through the Sydney Startup Hub, innovation grants or the like. I will have a lot more to say about that shortly with additional things that we are doing to help the startup industry and hubs. Be that as it may, the Leader of the Opposition made reference to the potential impact on that. We are totally supportive of innovation and particularly startup innovation. We will be opposing the order for the normal reasons. I thank the House.

**The Hon. WALT SECORD (22:23:51):** I make a brief contribution in support of the motion. I support my colleague and the Leader of the Opposition, the Hon. Adam Searle, and our diligent, hardworking shadow Minister, Sophie Cotsis, who has been pursuing this matter with much diligence. In fact, she has been pursuing it with the intensity of a bloodhound on steroids. We need to get to the bottom of this. She has labelled it a digital nightmare for local councils. She contends that this is a situation where the Government is using its considerable muscle to force local councils. They are being heavy-handed and stifling competition. On balance, it is a very surgical, forensic and targeted motion and deserves the full support of this House.

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

**The House divided.**

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

#### AYES

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

#### NOES

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

#### PAIRS

Faehrmann

Tudehope

**Motion agreed to.**

#### *Business of the House*

#### POSTPONEMENT OF BUSINESS

**The Hon. NATASHA MACLAREN-JONES:** On behalf of the Hon. Natalie Ward: I move:

That private members' business item No. 831 be postponed until a later hour of the sitting.

**Motion agreed to.**

#### *Motions*

#### REGIONAL HEALTH SERVICES

**Mr DAVID SHOEBRIDGE:** On behalf of Ms Cate Faehrmann: I move:

That private members' business item No. 833 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (22:36:25):** On behalf of Ms Cate Faehrmann: I move:

- (1) That this House notes that:
  - (a) On 15 September 2020 Mrs Dawn Trevitt was rushed to the Gulgong Multi-Purpose Service suffering from a gastrointestinal rupture;
  - (b) Gulgong has not had a doctor within its hospital and has been relying on telehealth services since June when the local GP's contract was not renewed;
  - (c) only nurses were physically present at the facility and Mrs Trevitt was treated by a doctor via teleconference; and
  - (d) Mrs Dawn Trevitt tragically died of gastrointestinal bleeding that sent her into cardiac arrest within an hour of being admitted.
- (2) That this House further notes that:
  - (a) the new contract provisions of the Western NSW Local Health District, which spans 31 per cent of New South Wales, now allows a mix of face-to-face doctors and telehealth in at least seven hospitals;
  - (b) under new minimum requirements in the contract doctors will only be required to be physically present between 8.00 a.m. and 6.00 p.m. on certain weekdays, specifying at least one day a week in Collarenebri, two days a week in Brewarrina, three days a week in Lightning Ridge and Coonamble and five days a week in Bourke and Walgett; and
  - (c) outside of these hours video conferencing will be offered.
- (3) That this House calls on the Government to immediately provide adequate resourcing to the Western NSW Local Health District so that in a medical emergency patients are able to access timely, in-person attention from a doctor in all its regional hospitals.

The tragic death of Mrs Dawn Trevitt is a reminder that access to health services in regional New South Wales is not equal to those of us in the city. On 15 September Mrs Trevitt was rushed to the Gulgong Multi-Purpose Service while suffering from a gastrointestinal rupture. The facility has not had a doctor within its walls since June when the local GP's contract was not renewed, and Mrs Trevitt was treated by a doctor only via teleconference. Can you imagine an emergency department in Sydney where not a single doctor had been physically present for four months? Within an hour of being admitted, Mrs Dawn Trevitt tragically died of gastrointestinal bleeding that sent her into cardiac arrest.

At the moment there is a very alarming shift towards complete reliance on telehealth in hospitals within the Western NSW Local Health District, which covers almost a third of the State. The health district's new contract provisions state that in at least seven hospitals, a mix of face-to-face doctors and telehealth will now be allowed. Further details are in the motion. Outside of those minimum hours, only telemedicine will be offered.

In many of those areas, which often have large elderly and Aboriginal communities, there are already high rates of disadvantage. Rates of preventable deaths in those communities are already up to 31 per cent higher than the State average and mortality rates are up to 94 per cent higher. Every person in New South Wales, no matter their postcode, deserves to have access to timely, in-person attention from a doctor in a medical emergency. That is a basic right that all members should respect and expect. The tragic death of Mrs Dawn Trevitt is a reminder that people in western New South Wales do not have the same right to quality health care as those in the city. Members should unite on this and address the problem.

Today my colleague Ms Cate Faehrmann spoke with Dawn's daughter, Hayley. Obviously she is distressed, but she spoke about the fact that the community has lodged a petition with some 3,000 signatures. She said that the community had been advocating about the absence of a doctor at the hospital for some three months before the tragedy happened to her mum. She said that the petition had been delivered to the local member and only after the tragic death of Dawn was action taken to fill the position. Seven other hospitals face the same problem. Members must ensure that there are no further tragedies in those communities before we reverse that grossly ill-thought-out experiment with a complete reliance on telehealth. Each of those communities and hospitals deserves a doctor. We do not want another tragedy. Dawn's daughter made it clear that she does not want any other community to experience tragedy. She wants us to fix the problem now. I commend the motion to the House.

**The Hon. WALT SECORD (22:41:16):** As the Opposition representative on Health in the Legislative Council, I support the motion on the tragic death of Mrs Dawn Trevitt in the State's west. First, I extend the Labor Opposition's deepest condolences to her family. Dawn was a 66-year-old woman who served western New South Wales as a primary school teacher and tutor for 20 years. I understand there was a real outpouring of grief in the community, especially from those people whose lives were touched by Dawn. One of her former students wrote:

Dawn was truly one in a million with her ambitious attitude, helping everyone that stepped foot into her classroom succeed no matter their ability. She was always there with her compassionate, hard-working attitude.

On 22 October Mr Phil Donato from the Shooters, Fishers and Farmers Party raised that very matter in the Legislative Assembly. I also pay tribute to the shadow Minister for Health, Mr Ryan Park, who travelled to western New South Wales and called for a parliamentary inquiry into the state of rural health, which I understand will occur next year. Unfortunately, Dawn's death has prompted the inquiry. Sadly, there is a two-tier system in New South Wales: one for people in the city and one for people in rural and regional areas. Mrs Trevitt passed away on 15 September after she was rushed to the Gulgong Multi-Purpose Service [MPS] suffering from a gastrointestinal rupture. The MPS did not have a doctor. It relied on telehealth services after the local GP's contract was not renewed. The service was staffed by hardworking nurses who assisted Dawn, but they had to deal with a doctor by teleconference. Tragically, Dawn died from bleeding, which led to her having a cardiac arrest within an hour of being admitted. Her daughter spoke with the ABC and said:

I was first of all shocked, bitterly disappointed, and mildly mortified that that was an acceptable level of health care.

She also said that it left the community shocked and disappointed, but she hopes that it does not happen to others. That highlights the dearth of health services in western New South Wales, which is why the motion calls on the Berejiklian Government to immediately provide adequate resourcing to the Western NSW Local Health District so that patients who are in a medical emergency can access timely, in-person attention from a doctor at all regional facilities.

Labor provides in-principle support for the motion. The new contract provisions for the Western NSW Local Health District covers 31 percent of the State and now allows for doctors to meet patients face to face in at least seven hospitals. That means seven hospitals have telemedicine. That is absolutely unacceptable and that is absolutely unfair. I also understand that there is a community-based petition seeking that a doctor rather than a camera treat patients. It is no wonder that the Shooters, Fishers and Farmers Party is chewing on the leg of The Nationals, which has allowed health services to deteriorate and doctors to be replaced by cameras. That is absolutely unacceptable. Every member of the Chamber should support the motion.

**The Hon. NATASHA MACLAREN-JONES (22:44:30):** I have been advised that the circumstances surrounding the matter are currently under review. I extend my sincere condolences to the family of Mrs Trevitt, who passed away on 15 September 2020 whilst in the care of the Gulgong Multi-Purpose Service [MPS]. It is incredibly distressing to lose a loved one, regardless of the circumstances. The health Minister has already directed that a thorough review be undertaken in accordance with NSW Health's *Incident Management Policy*. It would be inappropriate for me or for any other member of this place to make further comment pending the outcome of the review processes. This Government is 100 per cent committed to supporting the residents of regional and rural New South Wales and to providing the highest level of patient care.

Recruiting health professionals to regional, rural and remote areas remains a challenge across various parts of the country and that is not confined to the western New South Wales region. Workforce numbers have been raised in the House, so I will place on record the investment the Government has made in health staff across New South Wales. Since 2012 the NSW Health workforce in rural and regional areas alone has increased by more than 20 per cent to 43,928. Over the next four years to 2023 a further 8,300 more frontline health staff will be recruited. Of those, 45 per cent will be located in regional New South Wales. The additional staff will include 5,000 nurses and midwives, 1,060 doctors and 880 allied health professionals. Further, \$800 million will be invested in capital works projects in regional and rural communities throughout New South Wales.

Additional recruitment of doctors is underway in the Western NSW Local Health District as part of the Rural Doctors' Settlement Package, which was described by the Rural Doctors Association of Australia as generous. The remuneration package is the standard package that is provided to rural GPs who work in rural areas of western New South Wales and it will also be extended to doctors in Gulgong. The district has continued to work with the Commonwealth Government's Primary Health Networks, council and other local organisations to look at further opportunities. The district works with NSW Ambulance to care for the local community. The Gulgong Multi-Purpose Service provides level 1 emergency services, primary and community health services and emergency services. It has four subacute inpatient beds and six residential aged-care beds. The service is located 33 kilometres away from Mudgee. I understand that Telehealth, as a model of care, has been used in the Western NSW Local Health District since 2006. Furthermore, aged-care residents at Gulgong MPS continue to receive care from their nominated GP. The Government will not oppose the motion.

**The Hon. ROD ROBERTS (22:47:29):** I will make a very brief contribution to debate on the motion. On behalf of One Nation I extend our sincere sympathy and condolences to the Trevitt family. Members sit in the Chamber day in, day out and discuss a variety of issues. Some of those issues are superfluous. If we asked the average person on Macquarie Street tonight what are the two most important things to them and their family, they would say health services and education. That is what they would say. They would not talk about a lot of the rubbish that goes on in here. It is incumbent upon the Government to provide good health services to members of

the community in New South Wales. Mr Deputy President, you and I both live in regional cities. I suppose we are lucky because they are large regional cities, but we have all spent time in those smaller regional communities.

**The Hon. Don Harwin:** I lived in one for 18 years.

**The Hon. ROD ROBERTS:** I acknowledge the interjection from the Leader of the Government. He knows what we are talking about. Let us be honest: Members of those communities pay exactly the same tax, levies and duties that are imposed by the Government. They pay exactly the same rate, but they get bugger all for their dollar in comparison to what the cities get, which is completely unfair and inequitable. The Government must lift its game in providing health services to regional New South Wales.

**Mr DAVID SHOEBRIDGE (22:49:22):** On behalf of Ms Cate Faehrmann: In reply: I thank all members for their contributions. If there is one thing we can say across the Chamber it is that we express our sympathies and condolences to the family. There is a general sense that they should be equitable health access, but I note that the Government has not made that commitment to provide the doctors each of these communities are calling for. It was continually stated that telehealth will be relied upon in these smaller communities. The Greens understand that there many potential benefits for telehealth in regional New South Wales, but we do not accept the idea that anybody who presents to an emergency department will be seen by a camera and not by a doctor.

We should all not only think about the Trevitt family but also of the nurses in that situation. There was a woman in critical care and the nurses had an obligation to her. They were trying to do their best by pointing a camera at the patient and interpreting what the doctor said. It is intolerable to think of the nurses in that situation. I have listened carefully to the Government's response. I am glad the Government is not opposing the motion, but The Greens and the community were looking for the Government to support the motion and to make the commitment. Until that commitment is made, The Greens will keep coming back and communities will keep going back to their local members. We will continue to demand of the Government to have equitable, fair and universal access to this kind of critical care.

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

**Motion agreed to.**

#### *Documents*

### **MUSEUM OF APPLIED ARTS AND SCIENCES AND POWERHOUSE PARRAMATTA**

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

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

That private members' business item No. 884 outside the order of precedence be considered in a short form format.

**Motion agreed to.**

**The Hon. ROBERT BORSAK (10:51:57):** I seek leave to amend private members' business item No. 884 standing in my name on the *Notice Paper* as follows:

- (1) Omit "21 days" and insert instead "30 days".
- (2) In paragraph (k) omit "papers" and insert instead "board papers".

**Leave granted.**

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

That, under Standing Order 52, there be laid upon the table of the House within 30 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts; the Premier; the Department of Premier and Cabinet; the Trustees of the Museum of Applied Arts and Sciences; Infrastructure NSW; or the Department of Planning, Industry and Environment, relating to the Museum of Applied Arts and Sciences and Powerhouse Parramatta:

- (a) all documents relating to the consideration of design submissions and the selection of finalists and the winner by the Powerhouse Parramatta International Design Competition Jury;
- (b) the 2016 Urbis site study for the Parramatta museum, including all associated reports and business case;
- (c) the Cox Partners and Root site study for Powerhouse Parramatta commissioned by Infrastructure NSW, including the site selection assessment criteria and size requirements;
- (d) all documents, created since 1 January 2013, held by Infrastructure NSW concerning moving the Powerhouse Museum to Parramatta;
- (e) all documents relating to the Infrastructure NSW Deep Dive Review of the Powerhouse Precinct Parramatta project;

- (f) all documents, created since 1 June 2018, relating to the legislative framework of the Museum of Applied Arts and Sciences, including all proposals to change the Museum of Applied Arts and Sciences Act 1945;
- (g) all board papers, presentations, minutes, and all versions of the Strategic Risk Register, created since 1 January 2015, of the Museum of Applied Arts and Sciences Trust;
- (h) all versions of the memorandum of understanding and proposed governance framework documents relating to Powerhouse Parramatta between the Museum of Applied Arts and Sciences, Infrastructure NSW or Create NSW;
- (i) all documents sent or received by a Museum of Applied Arts and Sciences Trustee, or the chief executive of the Powerhouse between 1 September 2019 and 30 November 2019, regarding any aspect of Powerhouse Parramatta;
- (j) the 2019 revised business case for Powerhouse Parramatta;
- (k) all agenda, minutes and board papers of the Project Steering Committee and the Project Control Group, including all documents related to museum facilities or requirements for the brief for the museum;
- (l) the business case for the J-Store development at the Museums Discovery Centre at Castle Hill;
- (m) the Ultimo Creative Industries business case, and all documents related to a lyric theatre or artist studios in the Harwood building and the Powerhouse Museum;
- (n) all documents relating to moving the collection and loans of very large objects following the closure of the Powerhouse Museum at Ultimo;
- (o) the Draft and Revision A versions of the report by Cracknell & Lonergan Architects Pty Ltd entitled *Assessment of Heritage Significance - Ultimo Tramways - Powerhouse Museum – Independent Review*;
- (p) all documents regarding all versions of the report by Cracknell & Lonergan Architects Pty Ltd entitled *Assessment of Heritage Significance - Ultimo Tramways - Powerhouse Museum -Independent Review*;
- (q) all documents relating to the heritage assessment and listing of the Powerhouse Museum site at Ultimo and collection; and
- (r) 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.

We have to take off our hats to the arts Minister; he is the gift that keeps on giving. I will not take up too much time of the House because there are a lot of items to get through. This item was listed as formal business but was objected to by the Government. Frankly, it is just more time wasting by the Leader of the Government who, unlike everyone else in the Chamber, has yet to learn how to count. It is astonishing that after five years of this fiasco the Minister has single-handedly managed to cost the taxpayers of this State hundreds of thousands of dollars in unnecessary paperwork because he and his department continue to obfuscate and fail to deliver what is asked for. So, when the leader of government business in this House next raises the issue of how much money the calls for Standing Order 52 papers cost, maybe he should first dip his fingers into the pockets of his Cabinet colleagues before casting blame on the Opposition, the crossbench or Independent members of this House.

There is still no clarity on why moving the Powerhouse Museum is necessary. As I have said in this place on numerous occasions, the plan bears little resemblance to what was proposed originally. In fact, there are four different plans. The proposed new museum will be half the size, prone to flooding and unable to house the outstanding power and transport displays, which will be relegated to a storage facility inaccessible to the general public. That is vandalism in its worst form. This \$2 billion Liberal-Nationals vanity project might seem like pocket change for this Government, but that money could be far better spent supporting regional and rural museums throughout the State, not to mention regional businesses, jobs and training. We have demanded accountability and transparency from this Minister and his Government, but we are getting very little. So, now we call on the standing orders and the power of this House to provide us with what this Minister and his Government will not provide us.

**The Hon. WALT SECORD (22:54:23):** I make a brief contribution as the shadow arts Minister. I am aware that at 11.00 p.m. the House will return to the Remembrance Day motion. Five years, four plans, built on a floodplain and a much smaller museum than promised, this project lurches from crisis to crisis. It would be a joke if we were not paying the cost of it. This motion has been moved by the Hon. Robert Borsak who has been forensic in his activity involving the Powerhouse Museum. I wholeheartedly support it. I look forward to hopefully getting an insight into what the Government is planning. I commend the motion to the House.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (22:55:12):** The Government will not oppose the Hon. Robert Borsak's motion. The Government thanks the honourable member for his amendments to modify the scope and time frame of the motion. Firstly, I make it clear that it is my deeply held conviction that this is a fantastic project. I will be incredibly proud to leave it as a legacy of my time in public life. It is a project that will harness the growth in western Sydney to deliver a world-class cultural institution. It is a visionary project and I am proud of it.

There has been significant scrutiny of this project and, far from being concerned about it, we welcome the attention. This is the most talked about museum in Australia for all the right reasons—and it will be for a long



time to come. In the last term we had a full inquiry through Portfolio Committee No. 4, and over the past 18 months there has been a long-running inquiry into this project specifically with four public hearings. It should be noted for the record that the Government has already returned two comprehensive returns to orders on this project, which have been completed at considerable cost to the taxpayer.

While we appreciate the willingness of the Hon. Robert Borsak to compromise on the motion, I am obliged to note that paragraph (a) of the motion requests all documents relating to the consideration of design submissions and the selection of finalists and the winner by the Powerhouse Parramatta International Design Competition Jury. That captures in excess of 50,000 potential relevant records. Paragraph (d) requests all documents since 1 January 2013 to the present day. That is a long period of over seven years. Paragraph (i) requests all documents sent or received by a Museum of Applied Arts and Sciences Trustee, or the Chief Executive of the Powerhouse between 1 September 2019 and 30 November 2019. Again, I note the broad nature to this call for papers. Paragraphs (b), (l), (n), (o), (p) and (q) request documents that have already been provided to the House under earlier returns under Standing Order 52 or have otherwise been provided to the House.

The Department of Premier and Cabinet estimates that agencies have spent a total of \$590,000 in external legal and document support to respond to the order for papers concerning the Powerhouse Museum. On preliminary estimates the current order, even as amended, would cost these agencies hundreds of thousand dollars in similar support. While we appreciate the willingness of the Hon. Robert Borsak to compromise on the timing of this order, we still note the considerable amount of work involved. The Government will not be opposing the motion but places on record its concerns as to the reasonable necessity of the scrutiny function of the House of orders drafted this broadly. Frankly, all of the scrutiny so far has not laid a glove on what is an excellent project.

**The Hon. ROBERT BORSAK (22:58:40):** In reply: I thank the Hon. Walt Secord and the Minister for their contributions. The reality is that there is long-abiding interest in this project going back to when Mr Baird first announced it. There is continuing interest going on now, especially in relation to Willow Grove. I mentioned to those who are interested that there is a protest coming up in relation to Willow Grove. Hopefully we will see a number of members there, perhaps also the Minister. I commend the motion to the House.

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

**Motion agreed to.**

#### *Motions*

### **REMEMBRANCE DAY**

**Debate resumed from an earlier hour.**

**The Hon. NATALIE WARD (23:00:34):** Some hours ago I was talking about Remembrance Day and it is prescient that it is now 11.00 p.m. I was talking about the extract from the book *In the Half Light*, written by Jacqueline Kent, which was about being a child during the war. The writer talked about the effort to produce socks, mittens and vests for those serving. She said:

Mum ran Red Cross classes with first aid and bandage rolling ... Mum, who was a leading light in the CWA as well as the Red Cross, spent more and more of her time on the war effort.

The women's contribution to the workforce rose from a total of 24 per cent in 1914 to 37 per cent in 1918. The increase tended to be in what were already traditional areas of women's work: clothing, footwear, food and printing sectors. There was also some increase in the clerical, shop assistant and teaching areas. Interestingly, unions were also unwilling to let women join in the workforce in great numbers in traditionally male areas.

I highlight a number of women's organisations that became very active during the war: the Australian Women's National League, the Australian Red Cross, the Country Women's Association, the Voluntary Aid Detachment, the Australian Women's Service Corps, and the Women's Peace Army. When World War II broke out, women in Australia became much more actively recruited into jobs that had previously been predominantly male orientated; they worked in factories and shipyards as members of the Women's Land Army and as official war artists. That was in addition to their roles as nurses and in other active service duties. They contributed more actively to war efforts through military service than women had done in the World War I.

Newsreels and movies of the day show women happily going to work in factories to make bomb casings, tanks or parachutes. As I mentioned earlier, women joined the more military service-style roles, such as the Australian Women's Land Army [AWLA], which was established in July 1942 in response to labour shortages in country areas. The Women's Land Army recruited women to work on farms where there were no men left to do the hard labour. Unfortunately, the AWLA was not officially deemed a military service and, as such, never included benefits such as pensions, deferred pay and bonuses. By 1944 the Australian Women's Land Army had around 3,000 members.

The Women's Royal Australian Naval Service [WRANS] was formed in April 1941 as a result of a shortage of telegraphists in the Royal Australian Navy. By October 1942, 580 female volunteers had been recruited and enlisted, and four months later the number had increased to 1,000. However, they were not permitted to serve at sea or overseas. By the end of World War II, the Royal Australian Navy had more than 2,500 serving WRANS in its ranks, which made up 10 per cent of the entire naval strength. By 1945 a total of 3,122 women had enlisted. At the end of World War II, WRANS was disbanded, but manpower shortages led to the service being reconstituted in 1951 and it was made a permanent part of the Royal Australian Navy in December 1959.

WRANS personnel were gradually absorbed into the Royal Australian Navy during the early 1980s and in due course the service was disbanded. Women were not permitted to serve aboard ships until 1983—not that long ago. Currently, there are 1,832 women enlisted and serving in the Royal Australian Navy, making up 14.6 per cent of the service. The Royal Australian Navy Nursing Service [RANNS] was inaugurated in October 1942 when 23 qualified nursing sisters began duty in naval hospitals. At its peak there were 56 nursing sisters in the RANNS working in hospitals across Australia, as well as at Milne Bay in Papua New Guinea. The Australian Women's Army Service was formally established in October 1941 and enlisted approximately 24,000 women. They were the first women to serve in the Australian Defence Forces outside the medical or nursing field.

For 121 years women have been a part of, and assisting, the Australian Defence Force. They have served and accompanied our Defence Force in the Boer War, World War I, World War II, Korea, Vietnam, the Gulf wars and Afghanistan. Currently, women make up 12.8 per cent of the permanent Australian Defence Force, with 6,507 women. The Royal Australian Air Force has the highest percentage of women at 15.1 per cent, or 2,121 women, followed by the Royal Australian Navy with 14.6 per cent, or 1,832 women, and the Australian Army with 10.6 per cent, or 2,554 women. Women also make up a percentage of the reserves, serving in the Naval Reserve, the Army Reserve and the Air Force Reserve. In conclusion, I acknowledge all of those who served, but particularly those women who served, and remember all who perished in the service of our great country—male and female. I thank the mothers who sent their sons, the sisters and the wives. I thank them for their sacrifice and I thank them for our freedom. Lest we forget.

**The Hon. SHAYNE MALLARD (23:06:10):** I speak on this very important and solemn motion moved by the Hon. Natasha Maclaren-Jones. I thank her for bringing it to the House. It is important that motions such as this one, as well as those about Anzac Day and Armistice Day, are acknowledged by the House because we must never take for granted the sacrifice of current and past generations for the liberties that we enjoy. We should acknowledge that at any opportunity that is appropriate.

At 11.00 a.m. on 11 November 1918, the guns on the Western Front fell silent after more than four years of continuous warfare. The Allied armies had driven the German invaders back into Europe, having inflicted heavy defeats upon them over the preceding four months. In November the Germans called for an armistice to secure a peace resolution. They agreed to Allied terms that amounted to unconditional surrender, bringing to an end what many historians view as the first stage of the nineteenth century European civil war, which led, after only a short period of time, to the tragedy of World War II. The eleventh hour of the eleventh day of the eleventh month attained a special significance in the short-lived peace of post-war years. The moment when warfare ended on the Western Front became universally coupled with the remembrance of those who had died in what was called the Great War.

The first modern war had brought about the enlistment of over 70 million people and it left between nine million and 13 million people dead, possibly as many as one-third of them with no known grave. There still are almost 17,000 Australian soldiers who remain unknown or unaccounted for on the Western Front alone—an incredible figure. Their existence was obliterated by mortars, shells and diseases. The national average age of soldiers enlisting in World War I was 24 years of age, but many who enlisted were underage, either lying about their age or having a parent or guardian give permission for them to go and enlist.

Within two weeks of the outbreak of war, more than 10,000 men had applied to join up in Sydney alone. That gives a sense of the fervour and urgency felt by people in the fledgling country. Several hundred men were quickly formed into a battalion and on 18 August they marched through cheering crowds at Moore Park through to Fort Macquarie—which is where the Sydney Opera House stands today—and they were ferried to Cockatoo Island to embark overseas for the war. The number of volunteers grew during 1914. They were residents of Sydney as well as country areas. Some came to Sydney at their own expense but until military recruiting depots were established in major country towns, local police officers and mayors were used as recruiting officers and had the authority to issue warrants to men who met the minimum requirements who were wishing to enlist to travel to Sydney for free.

At the beginning of 1915, recruitment in New South Wales alone was running at about 1,000 men per week. From September 1915, enlistments began to fall off and then increased again in January 1916, the month after the evacuation from Gallipoli. Throughout 1916 enlistments declined increasingly as conditions on the Western Front

began to be relayed back home. Recruiting meetings and rallies were organised by the State Government and local authorities and were held in Sydney, suburban town halls and on street corners. They were particularly held at lunchtimes and evenings, when working men—and we are talking mainly about men in this generation—would be available to attend.

In New South Wales, 30 July 1915 was designated Australia Day in which cities, suburbs and towns held parades, concerts, sporting events and other activities designed to improve recruitment and raise money for sick and injured soldiers who were returning. A large recruitment meeting was held at the Exhibition Building in Prince Alfred Park where the swimming pool is today, next to Central Station. The first anniversary of the outbreak of the war was on 31 July, when an introduction to a recruiting drive focusing on 4 August was held. The main recruiting drive at Victoria Barracks, Paddington, was supplemented by other drives including at Sydney Town Hall.

Members will know I was a councillor at Sydney Town Hall for about 12 years. As you enter through the vestibule, you will see giant bronze rolls from World War I on the left-hand side and giant bronze rolls from World War II on the right-hand side. The names of employees of the municipality of the Council of Sydney who enlisted for service with the Australian Defence Forces are featured there. The World War I memorial on the left has hundreds of names. It is littered with asterisks indicating those who were killed. The World War II memorial on the right is much shorter.

I will just reflect on the recruitment of men in the City of Sydney. Redfern Town Hall is a now decommissioned town hall and is more like a community meeting place now. Upstairs off the main hall is a large room. In that room one whole wall has red cedar panels embossed with gold names, most of which are Irish. They are all Redfern municipal council employees that were enlisted in World War I. The names on that wall have been there for 100 years. I know the old general manager of South Sydney Council who started his apprenticeship as a clerk in that room and he sat at a desk, looking at those names every day. His name was John Burke.

All around our municipalities and cities are memorials to those who enlisted; some returned while many others did not. After the end of World War II, the Australian and British governments changed the name of Armistice Day to Remembrance Day. Armistice Day was no longer an appropriate title for the day that would honour all war dead after a second brutal world war. In 1993 in Australia, on the seventy-fifth anniversary of Armistice Day, Remembrance Day ceremonies became the focus of national attention.

The motion moved by the Hon. Natasha Maclaren-Jones mentions the remains of an unknown Australian soldier who was exhumed from a World War I military cemetery in France. He was ceremonially entombed in the Hall of Memory at the Australian War Memorial in Canberra. Remembrance Day ceremonies were conducted simultaneously across Australia, culminating at the moment of the burial at 11.00 a.m. and coinciding with the traditional two-minute silence as well as a very powerful moving speech by Prime Minister Paul Keating. This particular ceremony greatly moved the Australian nation, re-establishing Remembrance Day as a significant day of commemoration in Australia.

Remembrance Day had started to fade a bit in terms of its importance because Anzac Day had taken a more prominent role. Around the time of the centenary of World War I, Remembrance Day became more poignant. By observing one minute's silence we are paying tribute to the men and women who have served and are still serving in our Defence Force today as well as remembering those who gave their lives or suffered in conflicts, wars and peacekeeping operations. I have previously mentioned that this solemn day allows me to reflect upon my own family's sacrifice. My great uncle, Frank Farrah, from Badgerys Creek—for many years no-one had heard of it—was the only brother of my grandfather. He enlisted in 1917 in Liverpool at the tender age of 21. On 5 September 1918, almost one year after enlisting, Uncle Frank was killed by shelling at Peronne in the big push during the Battle of the Somme on the Western Front in France. Tragically, he was killed only six weeks before the armistice. Throughout generations, my family lived with an ever present sense of loss of Great Uncle Frank. However, we were also proud of his service to the country.

In recent years, I discovered that a portrait of a World War I soldier in the old living room of our home at Badgerys Creek was not Uncle Frank. We had no photographs of him. The picture was put there by my great- great-grandmother many years ago to symbolise his presence, so in fact it was the portrait of another soldier on the wall. Like many important occasions this year, including Anzac Day, Remembrance Day will be different. I feel for those in Europe at the moment, particularly in the United Kingdom and France, who will be conducting Remembrance Day ceremonies virtually and at home due to the renewed COVID-19 lockdowns. That must be very difficult for them. The sacrifice of our men and women in the armed forces continues today. Many serve in the Australian Army, Royal Australian Navy and Australian Royal Air Force and peacekeeping missions across the world.

I did some research in trying to find where my great uncle was killed. His body is not lost; it is in the cemetery at Peronne. Les Carlyon's excellent book *The Great War*, which I commend to anyone who is interested in this period, talks about the push into Peronne. I will quote a part of that book that talks about the battle:

South of Mont St Quentin the 14th Brigade of Hobbs' 5th Division attacked towards Peronne and the wood lay between their start line in the west and the town. Here a German field gun was firing point-blank at the Australians. Private William Curry, a wire worker from Leichhardt, Sydney, won the Victoria Cross for rushing forward with a Lewis gun, killing the crew and capturing the German gun. Elsewhere in the wood the Australians captured 200 Germans in one group. The German battalion commander was astonished when he and his men were handed over to two Privates to escort them to the rear. The Australians crossed the moat and moved into Peronne where the Germans chose to fight from cellar to cellar, house-to-house, rather than man the ramparts.

On the next day, 2 September, they took Peronne and that was the day my great uncle was killed. I acknowledge the impact on the women and families who were left behind after the war. The trauma of war does not stop when it is over because war has its obvious, although superficial and subtle, profound effects upon families. The war may have been over and the men may have come home, but that did not necessarily make it easier for a lot of women in Australia and across the world who witnessed their psychological scars and physical injuries.

Despite progress in attitudes towards mental illness and psychological issues arising from war, it continues to significantly impact veterans and their families today. Many veterans return from Afghanistan and Iraq suffering with post-traumatic stress disorder and the tragedy of suicide. Today we remember them and pay tribute. Remembrance Day is not so much about the when, it is about remembering those who gave their lives for our great nation and those who bore the burden of the suffering when they returned. Today, as always, we shall remember them. Lest we forget.

**The Hon. SAM FARRAWAY (23:18:56):** I contribute to the important motion moved by my colleague the Hon. Natasha Maclaren-Jones. The eleventh hour of the eleventh day of the eleventh month of 1918 was the moment when the guns finally fell silent on the European Western Front. The most devastating and costly war until that time had come to an end with a ceasefire that brought peace to the survivors and a place in history for the millions who served. In Australia and other allied countries—including New Zealand, Canada and the United States—11 November became known as Armistice Day: a day to remember those who died in World War I. When war broke out in 1914, it began over a century of modern wars that is with us still.

Since the first Armistice Day in 1918 Australians have been on active service in conflict and in peacekeeping missions across the world. After World War II, the Australian Government agreed to the United Kingdom's proposal that Armistice Day be renamed Remembrance Day to commemorate those who were killed in both world wars. In 1997 Governor-General Sir William Deane issued a proclamation formally declaring 11 November to be Remembrance Day, urging all Australians to observe one minute's silence at 11.00 a.m. on 11 November each year to remember those who died or suffered for Australia's cause in all wars and armed conflicts. It will not be long until those who have served in Afghanistan and Iraq will be sharing stories and reflecting back on their service and their sacrifice for the betterment of our nation.

It is not only soldiers on the battlefield who have lost their lives or suffered severe trauma in the line of duty. Those who took on peacekeeping missions in Cyprus, Cambodia, Rwanda and East Timor will also reflect on their service and on their commitment to helping others and to answering the call of service. More than ever before we must understand the sacrifices made by those people and their families to ensure we are safe, to ensure the safety of others and to help others when in need. Former Prime Minister Billy Hughes once put the sacrifices of those who serve into perspective when he said:

Our heritage, our free institutions of government—all that we hold dear—are handed back into our keeping stained with the blood of sacrifice.

Surely not only we, their fellow citizens, but Australians throughout the ages, will treasure for ever the memories of those glorious men to whom the Commonwealth owes so much, and will guard with resolute determination the privileges for which they fought and suffered.

Among the stories of loss and sacrifice are stories of courage and mateship that we, as a nation and as a people, should reflect upon and commemorate also. I would like the indulgence of the Chamber in sharing a story about Victoria Cross recipient Major Blair Anderson Wark, who is from my home town of Bathurst. Blair Wark was a militia officer in New South Wales before he enlisted as an officer in the Australian Imperial Force in mid-1915. A year later he fought in the Battle of Fromelles. Despite being wounded, he was highly commended for his work there. The full citation for Wark's Victoria Cross appeared in a supplement to the *London Gazette* on 26 December 1918. It stated:

For most conspicuous bravery, initiative, and control during the period 29th September to 1st October, 1918, in the operations against the Hindenburg Line at Bellicourt and the advance through Nauroy, Etricourt, Magny La Fosse and Joncourt. On 29th September, after personal reconnaissance, under heavy fire, he led his command forward at a critical period, and restored the situation. Moving fearlessly at the head of, and at times far in advance of, his troops, he cheered his men on through Nauroy, thence towards Etricourt. Still leading his assaulting companies, he observed a battery of 77mm guns firing on his rear companies, and causing heavy casualties.

Collecting a few of his men, he rushed the battery, capturing four guns and ten of the crew. Then moving rapidly forward, ... he surprised and captured fifty Germans ... On 1st October, 1918, he again showed fearless leading and gallantry in attack, and without hesitation; and regardless of personal risk, dashed forward and silenced machine guns which were causing heavy casualties. Throughout he displayed the greatest courage, skilful leading, and devotion to duty, and his work was invaluable.

That leadership, sense of duty and courage is still displayed in our troops to this day. Learning from those like Major Wark, today's troops, reserves and cadets serve their communities and our nation in a manner of which we can all be proud. Remembrance Day is also a day to thank our returned soldiers or service veterans, young and old. Just because the styles of conflict have changed and the deaths are not as high we must not get complacent with peace. Our modern veterans deserve just as much thanks and commemoration as those in wars gone by. They deserve our respect and should never be forgotten.

If ever there were a time in our nation's history when it would be of great benefit to us as a community to pause, rethink and reflect upon our unity and make our way forward it is now. Although Remembrance Day is a little different this year, I hope we all take time to think about the past, about those who served and about what we have because of the actions of others. All members in this Chamber are here because of those before us. They thought that what we are doing here in a chamber of democracy was worth fighting for. We should ensure that they were right to do so.

*To My Chum* is a poem written by a British soldier after his friend had died in battle. It is fitting for all of us today. In part it reads:

Well, old lad, here's peace to you,  
And for me, well, there's my job to do,  
For you and the others who are at rest  
Assured may be that we'll do our best ...

All members are here to do their best to serve the State of New South Wales in a way that would make those who have fought for our nation over the centuries proud. We will do our best and we will remember them. Lest we forget.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (23:26:56):**

I make a brief contribution to debate on the motion. I recognise that today is Remembrance Day. I thank the Hon. Natasha Maclaren-Jones for moving the motion. Members have debated many worthwhile topics today but, given that today is Remembrance Day, it is important that we take the time to debate this motion to honour those who served in wars in times past and Australian service men and women who are currently serving. As other members have said, Remembrance Day looks a little different this year. Obviously, we are in the middle of the COVID-19 pandemic. Despite that, it is important that we continue to commemorate the sacrifices that have been made in the past and in present conflicts so that future generations can continue to understand why we should appreciate the freedoms that we have but which sometimes we take for granted.

As education Minister, I am pleased that our schools have always been proud ambassadors of Australian history and that students are aware of the significance of the poppy and its meaning on Remembrance Day. As we all know, 11 November is the day we commemorate and wear red poppies on our lapels, as many members are doing today, to mark the anniversary of the 1918 First World War Armistice when fighting ended. Thousands of poppies grew on the battlefields of the Western Front. While those sites might be thousands of kilometres and a lifetime away from students who are learning this history more than a century later, the symbolism of the poppy is profound and it is very important that students understand the history behind it. It is about the service and sacrifice of 62,000 Australians killed in the First World War, which underpins the free society our students now excel in. We are committed to ensuring that they understand that connection through their education.

This year schools across the State have been sent print out poppies and learning resources to allow students to craft their own poppies and learn about the historical significance of Remembrance Day as part of an education program. Those new school resources fit into the history curriculum for primary students. They include a video about the significance of the poppy, a poster and a guide to making the paper poppies. It is my hope that those resources will help students engage with Remembrance Day as they learn about the symbolism of the poppy and the sacrifice that Australians made for the country.

Last week I was delighted to join the acting veterans Minister, Geoff Lee, and Acting President of the RSL NSW Ray James at the Opera House. We were joined by some students from the Conservatorium High School and we conducted a Remembrance Day ceremony of sorts in the lead-up to today to reiterate why we commemorate Remembrance Day so that students understand its importance. As we know, this year school services have looked a bit different, but I am grateful that we had a special exemption allowing schools and communities to hold Remembrance Day ceremonies outdoors with up to 100 people, complying with the COVID-safe plans and relevant rules. Today I was excited to see on social media the many innovative ways that schools across New South Wales commemorated Remembrance Day. Finally, on a personal note, it is always

interesting during motions such as this to hear members' contributions about their family members and the experiences they have in honouring those who have served.

Like many other members in the Chamber, I had family members who served in conflict. My grandfather on my mother's side served in World War II and spent some time in New Guinea. Unfortunately, he passed away many years ago but we still have his service medals, which each of his great grandchildren take turns to wear on Anzac Day and Remembrance Day, which is a lovely tradition. For us it is important to tell our children that not many generations before them, there were massive levels of service. It is important to tell them about the selflessness of so many when serving their country. Interestingly—and I think I have mentioned this in the Chamber before—my husband's great uncle, Archie Tindal, was a serviceman who was serving in Darwin when it was bombed during World War II. Unfortunately, he was killed, but he was the first serving Australian soldier to be killed on Australian soil when that tragic event happened.

Tindal air base in the Northern Territory, which some members may be aware of, is named after Archie Tindal. We are fortunate to have his stamp collection and a few of his personal items, which we have explained to our children, who are only young at three and seven years old. Recently our seven-year-old has been looking through Archie's stamp collection. As she gets older she will start to understand its real significance and the selfless sacrifice that so many serving men and women have made over the years, and how they continue to put themselves on the front line today. I know other members wish to speak and time is limited so I will end my contribution there. I congratulate the Hon. Natasha Maclaren-Jones on bringing the motion before the House. It is important that we commemorate Remembrance Day in this Chamber.

**The Hon. TAYLOR MARTIN (23:32:56):** I speak in support of the motion, which recognises the sacrifice of so many during the First World War. Each year Australians pause at the eleventh hour of the eleventh day of the eleventh month to mark Remembrance Day. This year marks the 102nd time that we have done that. It commemorates the Armistice that was agreed on to end the hostilities of World War I and to remember all the men and women of the Australian Defence Force who have made the ultimate sacrifice. One of those men was Private William Henry Redgate from Tumby Umbi. Private Redgate was a member of the 4th Australian Infantry Battalion. He was the son of Charles and Helen Redgate. He enlisted in July 1915 and was sent to France in November that year aboard the *Euripides*. On 16 April 1918 he was killed in action in France at 27 years of age. He never made it home and was buried at Bailleul, France. Another was Sergeant Eric Tate from Wyong, who was a farmer when he enlisted in October 1915 at the age of 23.

He had a keen interest in pedigree horses and cattle, and was well known locally as a talented runner and footballer. He joined the 20th Battalion as a private and embarked for overseas service within weeks of his enlistment in November 1915. The battalion entered the trenches of the Western Front for the first time in April 1916. In the following month, they had the dubious honour of being the first Australian battalion to be raided by the Germans. During the Third Battle of Ypres in October 1917 Sergeant Tate was killed by a shell burst at just 25 years old. He was one of 6,400 Australians killed in battles around Ypres that month. Private Richard George Buckton from Wyong was another young man who paid the ultimate sacrifice. Private Buckton was a member of the 4th Australian Infantry Battalion and the son of Richard Senior and Mary Buckton. He enlisted in October 1916 and was sent to France the following month on the *Suevic*. Less than one year later, on 4 October 1917, he was killed in action in France at 27 years of age. He never made it home and his exact resting place is unknown.

The sacrifice of those men is now forever memorialised on the Central Coast with three new roads in Kangy Angy recently named after them. The naming will be not only a lasting legacy for the families of those special Central Coast World War I veterans but also a recognition of the 60,000 Australians who perished during that war. I acknowledge the service and sacrifice of Australia's current and former serving men and women and thank them for their service. I also thank the families, friends and organisations who support our veterans. I hope that in pausing to reflect today and every year at the eleventh hour of the eleventh day of the eleventh month, we can in the future avoid the sacrifice of a generation of men from 1914 to 1918. Lest we forget.

**The Hon. TREVOR KHAN (23:36:43):** I make an impromptu contribution to the motion by reflecting upon my visit to Turkey in 2018, particularly to two war cemeteries that I had the opportunity of visiting. They were cemeteries outside Istanbul, essentially on the grounds of the old hospital where Florence Nightingale had served during the Crimean War. What struck me about those war graves in that vicinity was that there were not only young Australians placed in those immaculate lawns on the banks of the Bosphorus but also so many others—whether they be British, Indian or other nationalities. They included not only those who had died as prisoners of the Turks during the war but also those who died in 1919.

They died in 1919 not because of injuries they had sustained—they were not prisoners at that stage—but as part of the occupation forces who, having survived the war, regrettably died as a consequence of the Spanish flu epidemic that swept through forces throughout the world. When one goes to the Gallipoli Peninsula one has a truly horrific experience. Amongst the many Australians and New Zealanders who are buried in the war graves at

Beach Cemetery at Anzac Cove, one can visit the grave of John Simpson Kirkpatrick. The true horror is going up to such areas as Lone Pine, which is one of the major war grave sites for Australians.

Particularly on Anzac Day itself, it was horrifying to realise that what one was doing in attending those ceremonies and cemeteries was sitting on the pits of the dead. Those were not individual graves but simply the places where the collective remains of the war dead were scraped together and buried, because there was essentially no way of identifying them by the time that they were recovered. One reflects upon the absolute hopelessness of the situation and the appalling waste that so many of those poor young men were regrettably left when we evacuated the peninsula. Many were never buried, whether by the Australians, the British or the Turks. Simply, their remains were left half buried or exposed upon the slopes and hills of those areas. That is the reality of that war. In that sense, the affair had little glory. It was a tragic and terrible loss of life.

If one goes—as I subsequently did on another trip—to a location such as Beersheba, where one of the last mounted actions was performed, one can see the graves of Australians as young as 16. How old was that boy when he entered service? Regrettably, he got no further than Beersheba. He was shot and buried there in the middle of what at that stage was the desert. We hear so much about the honour and what we live for. When I went to those sites, what I was left with was the absolute hopelessness of the situation and the appalling loss of the lives of these young Australians. Indeed, if I could turn to Anzac Cove, of which we are told so many things—when you stand on the little narrow beach, which is only a few metres wide, and look up towards the hills, you suddenly realise that that site of battle where so many thousands started to be killed is no wider than a couple of football fields. Yet we crammed these young fellows onto the beach without any clear idea as to how they were to get up the slopes or sustain themselves.

The simple fact is that many of them were not only shot. In a sense, the fortuitous ones died quickly. Many of them burned to death in the scrub as they lay there wounded. Many of them perished from a whole variety of diseases. That was the regrettable nature of the First World War. Of course, it was slightly different in Europe, but all of it was a bloody mess and an unfortunate and terrible loss of life for all concerned. I say this not to put a downer on the affair, but I think we have to look at what this really was: a terrible tragedy for those people. It is also important to recognise this. Some circles have said that what we fail to recognise when we talk about those who lost their lives in those wars is that so many more survived terribly injured.

In the context where the medical skill and knowledge available to us at that stage was far below what we have now, many of those men came back terribly debilitated in a whole variety of ways. Unfortunately, those who suffered those terribly traumatic injuries and, indeed, those who suffered those serious psychological scars from the wars are in many ways the forgotten ones. In a sense, they do not have the grave upon another place. They came back and in many cases led miserable existences here without the level of support that is thankfully now available to us. I ask that we all reflect not just upon those things in these wars that we are asked uplift but also upon the terrible personal tragedy that was involved for those who went overseas, no doubt, with very high expectations. Regrettably, in so many cases they found that those expectations were well and truly not met. I genuinely say: Lest none of us forget.

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:45:27):** I thank the Hon. Trevor Khan for his contribution. I thank the Hon. Natasha Maclaren-Jones, who moved the motion, for allowing members to express thoughts today about the obligation of us all to remember what those before us have gone through and the sacrifices that they made to protect this country. Our armed forces continue to make such sacrifices. I come to this part of the debate with some sentiments because my grandfather fought at the Battle of the Somme in France. He was wounded there. I am thankful that it was not more serious, obviously. He did survive. I will reflect on that shortly. In that period of time he came home to meet his wife and her two sisters. He married my grandmother, but my two great aunts never married. There was a whole generation of women who never married and probably were deprived of the closeness of relationships which they would have otherwise enjoyed.

We do not often appreciate the sacrifices undergone by a lot of those people who did not actually fight in armed conflict but who, in fact, supported those who were involved. The families who remained at home often made enormous sacrifices as well as those who actually fought on the front. I had the privilege of seeing some letters that my grandfather wrote while he was posted overseas. They were warm, homely letters from someone talking to his family about the circumstances in which he was living on the front during the First World War. He talked about his mates and the conditions that they were living in. I got the feel of real human beings being exposed and what they were going through during that period of time. One remarkable thing was that my grandfather never talked about it much. He never shared the stories of that time with his family and certainly not with his grandchildren. He did not spend a lot of time reminiscing. That seems to be a common thread that goes through and occurs a lot with people who were engaged in conflicts like the First World War and certainly the Second World War.

Interestingly enough, my father was a navigator on the *Lancaster* in the RAF. He did 30 flights over Germany. When he came back he got married. My mother was the sister of his best friend in the RAF and when he came back he married her. During the time of raising his own family, he never talked about the experiences that he had during the Second World War. From what you read in historical texts, flying Lancasters over Germany was a pretty fraught existence. To have actually done a tour of duty like he did is pretty amazing. One in six planes that flew over there did not come back, so it was a pretty hairy time and pretty courageous people who were involved. In a sense it is a bit tragic that we did not have those stories told. He potentially could have shared a lot of really valuable experiences. But it goes to show the deeply personal reaction that some people who fought in wartime experienced in relation to the events that they had to be involved in.

It is a bit of a tragedy being in here and experiencing Remembrance Day. When I was the member for Epping, I used to take great pleasure in mixing with the mates who all got together to talk and participate in the memories that they had and the friendships that they had formed since coming back. They are a dwindling number, of course. There is no-one left from the First World War now, but even those veterans from the Second World War—my own father would be 99 if he was alive today. The reality is that the Second World War veterans are also diminishing. But those who are now gathering together, the Vietnam vets and Korean War vets, are still great mates with each other. They tell the stories, but more than anything else they value the camaraderie with each other on a day like today. I want to reminisce for a short moment on this place and tell these anecdotes. Before he was a soldier Henry Weston Pryce was a salesman, a clerk and an insurance agent. He was called to service with the 9th Machine Gun Company of the First Australian Imperial Force. He was a young man born of Woolway Station in Monaro. I always get that pronunciation wrong.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** Luckily the Hon. Bronnie Taylor is not in the Chamber.

**The Hon. DAMIEN TUDEHOPE:** The Hon. Bronnie Taylor is not here so that is okay. She will come down later and admonish me. Henry Weston Pryce was one of three boys in his family. On 16 June 1916 he joined the Australian war effort, and on 11 November 1918 he penned these immortal words:

The echoes die, the smoke-clouds thin and pass,  
The cannons are, like statues, dumb and cold:  
Silent the crosses wait, and in the grass  
The spent shells gleam like gold.  
  
All spent he lay and dreamed till the moment came:  
Now, waking with a cry, he looks, all wonder  
To see the empty sky hurl down no flame:  
To hear no crack of thunder.

Each year at the eleventh hour of the eleventh day of the eleventh month, we stop to observe a minute's silence. We do this to commemorate and reflect upon the lives of those who served and in so doing made the ultimate sacrifice: to give their lives so that we might enjoy the freedom and peace of which they were deprived. Henry Weston Pryce was one of the lucky ones who made it home. Others, including both his brothers, were not so fortunate. The scars of the war mark even the halls of this Parliament, reaching beyond the political divide. In the House of the Legislative Assembly there is a plaque that commemorates two men who were killed at Gallipoli when Australian troops were first called to the front lines of World War I. Sergeant Edward Larkin, the Labor member for Willoughby, died on the day of the Gallipoli landing. Weeks later, in May, Liberal member for Armidale Lieutenant Colonel George Braund was also killed amidst the fighting.

Their sacrifices and the sacrifices of countless others who have served and are currently serving demand that we reflect, learn and commit to upholding the highest ideals of humanity: to preserve freedom, to safeguard democracy and to protect the futures of the generations to come. It is in silence that we pay our respect and honour them. It is in silence that we stand by those who have returned from their service and support the families of those who have not. It is in silence that we steel our resolve to uphold their legacy by doing our utmost to preserve and protect our freedom, our democracy and a lasting peace for all Australians. Lest we forget.

**The Hon. NATASHA MACLAREN-JONES (23:55:10):** In reply: I thank and acknowledge all those that contributed to this debate: the Hon. Don Harwin, the Hon. Penny Sharpe, Reverend the Hon. Fred Nile, the Hon. Lou Amato, the Hon. Tara Moriarty, the Hon. Anthony D'Adam, the Hon. Natalie Ward, the Hon. Shayne Mallard, the Hon. Ben Franklin, the Hon. Rod Roberts, the Hon. Scott Farlow, the Hon. Sam Faraway, the Hon. Sarah Mitchell, the Hon. Taylor Martin, the Hon. Trevor Khan and the Hon. Damien Tudehope. There are a couple of remarks that were made that I wanted to reflect on, beginning with comments made by the Hon. Penny Sharpe. I think it was very important that she talked about the difficult decision that governments make. Irrespective of what side of the political spectrum you may be on the decision to go to war is a difficult decision for any government, as is the decision to withdraw our troops and the resources that are allocated. She talked about conscription, and the Vietnam War certainly brought that even more to our awareness.



I was at school in the early eighties and my father was a Vietnam veteran. He served for most of his life in the services. I recall sadly the attitude of one of my teachers who was opposed to the Vietnam War. As a young child, to have that reflected on me made me acutely aware of the attitudes. We have all learnt that it is not about reflecting on those who serve and the decisions made, because those are decisions made by governments. It does mean that we all have to think about any decision that we make in this place. Remembrance Day is an opportunity to acknowledge all of those who served—not just from World War I but every war in this country—and to thank them for that service. As has been said by a number of members, they put themselves forward to do a job and those decisions are made for them to serve our country. I also thank the Hon. Natalie Ward for raising the role that women played in the war effort. In some of the time remaining I will talk briefly about the Australian Women's Land Army, because they made a significant contribution.

They originated from the UK during World War I and then World War II, but here it was during World War II that they actually became more prominent. They played a very vital role, particularly in our regional areas where there was a shortfall in the workforce. They stepped in to do that role. They were young women between the ages of 18 and 50 and they worked terribly hard for the war effort. For over 70 years they fought to be recognised for the contribution that they made in this country. It was not until 1985 that they were given the opportunity to march on Anzac Day. In 1991 they were given the opportunity to join the Returned and Services League. Finally, in 1997, they were awarded their Civil Service Medal for what they did between 1939 and 1945. Those women were tremendous. They had over 2,500 permanent members that worked across the State. I said that they were aged 18 to 50 but they were actually quite young. There were some reports of members around the age of 15 or 16 years old. Those women came forward to help out in our farming communities. I again thank everyone for their contribution to this debate. I say again: Lest we forget.

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

**Motion agreed to.**

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** It being midnight, according to sessional order proceedings are interrupted.

*Adjournment Debate*

#### **ADJOURNMENT**

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** I propose:

That this House do now adjourn.

#### **PROPORTIONAL REPRESENTATION**

**Ms ABIGAIL BOYD (00:00:08):** Over recent weeks both here and in the other place we have seen deep problems with politics and, consequently, we have seen the public's increasingly negative perception of elected representatives. The reasons for that include corruption, poor policies that promote ideology but fail to meet people's needs, a denial of science and the rising inequality that pits one section of our community against another. The populace feel ill-served for good reason. We spend far more time fighting with each other than we do fighting for them. Through single-member electorates in Australia we have created a winner-takes-all system that actively encourages adversarial politics. That spills over into the New South Wales and Australian public debate, and it is encouraged by mainstream and social media.

Currently, our system focuses on politics, not governance. Rhetoric triumphs over substance. The people we serve, our electors, are the ultimate losers. It should be our goal that the legislature reflects the people who vote for it. New Zealand is an example of multi-member proportional representation, which results in a parliament that accurately reflects the will of the people. We also have proportional representation in the Legislative Council. What would the Legislative Assembly look like if it had proportional representation? Based on the 2019 results, the Coalition would have 39 seats, which is nine less than it currently has; Labor would have 30 seats, which is six less than it currently has; The Greens would have nine seats, which is three times what we currently have; the Shooters, Fishers and Farmers Party would remain on three seats; Pauline Hanson's One Nation would have one seat; the Animal Justice Party would have one seat; and other minor parties would make up the rest.

In order to reach a working majority, the major parties would be forced to form coalitions. They would have to negotiate in good faith and with far more public transparency than the Liberal-Nationals Coalition currently provides. The current system produces members who are more loyal to their political party than to the people they represent. In every electorate, there is often a percentage of people who did not vote for their sitting member and who have few shared values with their elected representative. They feel short-changed and unrepresented. The current system entrenches the two major parties and allows power to flip-flop between them,

which further reinforces that adversarial nature. That happens even when the two major parties are almost inseparable in their positions on policies, such as their support for coal and gas in the face of climate change.

The current system favours marginal seats, which results in governments allocating resources for electoral benefit, not societal benefit. The system also entrenches the boys' club. Global research shows that more women are elected to parliaments under proportional representation than under single-member electorates. Proportional representation requires parties to run tickets that appeal to different sections of the community, and that includes women. It allows for greater representation of minor parties like The Greens, which have far less gender bias than the old major parties. That gender balance then spreads to the major parties. We have seen that work in New Zealand. Imagine a representative system in which a group that makes up 50 per cent of the population would find itself represented in that same proportion in Parliament.

Proportional representation allows for minorities to be represented and, thus, heard. That should be of the utmost importance to members. Catherine Helen Spence was a South Australian reformist, who advocated for proportional representation as a key means of achieving the electoral rights of minorities. Women could not even vote when she began her campaign. Her fundamental principle of proportional representation was "that majorities must rule, but that minorities shall be adequately represented." She said that the minority can watch the majority and keep it straight. But the minority can only keep the majority straight if it exists in sufficient numbers to matter and to be heard.

In countries such as New Zealand and Germany, and in States such as the ACT, coalitions have formed around shared policies and goals with an improved focus on outcomes for the people. The public likes what it sees. Those governments are returned with increasing support. With a system that promotes collaboration, not competition, and with a presumption of goodwill, rather than keeping score, consensus decision-making is far more likely to result in good government and better outcomes for the people whom the legislature is ultimately designed to serve. Good government and healthy democracy are worthy goals. We can do better than our current system allows.

#### **MINISTER FOR SKILLS AND TERTIARY EDUCATION WAGGA WAGGA VISIT**

##### **ASH DUST AIR**

**The Hon. WES FANG (00:04:49):** In late October I was pleased to welcome my friend and colleague the Minister for Skills and Tertiary Education, Dr Geoff Lee, to Wagga Wagga. We were honoured to officially turn the first sod at the start of construction for Wagga Wagga's new \$9.2 million multi-sport cycling complex at Pomingalarna Reserve. The complex will cater to competitive and recreational cyclists. It will feature a criterium track, jump tracks, pump tracks, a cycling education area, a velodrome and supporting infrastructure. The project is managed by Wagga Wagga City Council and is funded through a \$7 million grant from the New South Wales Government's Regional Sports Infrastructure Fund. It is one of 21 projects in regional New South Wales to benefit from \$100 million in sports infrastructure funding. High-quality sports facilities encourage community participation, improve performance at all levels and enable regional communities to host regional, State, national and international events.

Those events attract visitors and encourage spending in regional areas, which creates employment and stronger regional economies. I am pleased to say that the project will create 300 jobs during the construction of the complex. That will boost local employment as the region recovers from the impacts of COVID-19 on the local economy. The cycling complex will provide the Riverina with a world-class sport and recreation venue for people of all abilities. I truly believe the project has the potential to elevate and promote Wagga Wagga as one of the best regional venues for elite cycling events. In conjunction with cycling events like Gears and Beers and the development of the Active Travel Plan cycling routes, the Pomingalarna complex will surely make Wagga Wagga the go-to destination for cycling events in New South Wales.

The Minister and I visited some incredibly innovative businesses, including Flip Screen Australia, which manufactures and exports screening buckets for heavy machinery. The idea grew from a spark in CEO Sam Turnbull's mind and the company has become a global player in recycling on construction sites. The Wagga Wagga-based company is creating jobs and growth, and is putting Wagga Wagga on the map to export more Aussie-made rural manufacturing goods. We were given a tour of the National Life Sciences Hub at Charles Sturt University. It is an integrated science hub for food security, human, plant and animal health. The state-of-the-art scientific, research, learning and teaching complex was constructed to strengthen and grow national education and research excellence.

Fiona Nash and Samantha Beresford gave us a tour of the Veterinary Clinical Centre, which includes a modern animal hospital that plays a vital role in providing teaching and learning opportunities for students, residencies for training specialists and postgraduate education and research. To round off a busy two days,

the Minister conducted a series of TAFE industry roundtables and toured the TAFE Primary Industries Centre at the Bomen Business Centre. I extend my thanks to all those who were involved in that wideranging tour of Wagga Wagga. In particular, I acknowledge Mayor Greg Conkey and other representatives at Wagga Wagga City Council, Flip Screen Australia's Daniel Jones, and Fiona Nash and Samantha Beresford at CSU for hosting us. We had an informative and educational two days.

Last week I had the privilege of representing mental health Minister the Hon. Bronnie Taylor at the launch of a new anthology of writing from young people across southern New South Wales, which reflected on the impacts of the summer bushfires and the pandemic. *Ash Dust Air* is part of Artstate Wagga Wagga 2020. It is a curated selection of writing by young people from local government areas covered by regional arts organisations including Eastern Riverina Arts, Western Riverina Arts, South West Arts, Murray Arts, Southern Tableland Arts and South East Arts. The anthology was written in response to the recent bushfires, the ongoing drought and COVID-19.

Participants were invited to submit poetry or prose and the anthology was edited and curated by Gabrielle Tozer, an award-winning young adult fiction writer based in Wagga Wagga. The stories and poems in this book speak of fear and sadness, but also of relief, family and getting on with life. It shows two things very clearly: the value of listening to young people, particularly during this horror year; and the value of arts and engagement with creativity as a tool for wellness and mental health. Ultimately, *Ash Dust Air* is a testament to the human spirit and our need to look ahead. It has provided young people with the opportunity to speak in response to the disasters. I congratulate all those involved with the project.

### REMEMBRANCE DAY

#### THE HON. GOUGH WHITLAM, AC, QC, FORMER PRIME MINISTER OF AUSTRALIA

**The Hon. ROSE JACKSON (00:10:03):** The dates of 11 November 1918 and 11 November 1975 are two of considerable significance for Australians who love democracy and freedom, who aspire for this country to reach the potential of its greatness and remain passionate in the pursuit of our progress. Remembrance Day on 11 November is our opportunity to reflect of the sacrifices of those who have fought under Australia's banner in war. Sir Victor Hurley was starting his career as a doctor in Melbourne before World War I. Like so many others, he quickly put that career on hold to sign up with his three brothers in 1914. He was a captain of the Australian Army Medical Corps in the Australian Imperial Force. He served in the ambulance division in Gallipoli in 1915 and on the Western Front in 1917-18. Who knows what horrors he saw amongst the injured and maimed men it was his job to try to piece back together. One he could not save was his brother Clem, who died in France in 1917. Victor survived, married Elsie May in 1919 and in 1920 their first child, Ann Hurley, was born. Ann would become Ann Jackson, my maternal grandmother.

My great grandfather Victor served our country again in World War II, this time as director general of medical services for the RAAF. As director he was responsible for the formation of the RAAF nursing service and the first RAAF hospitals, where he pioneered air evacuation methods. He was a senior medic in the Australian Army and received considerable distinction for his service. Following the war he was a founder and president of the Royal Australian College of Surgeons. He was involved in the development of the Pharmaceutical Benefits Scheme and was an early proponent of national insurance for health services, the forerunner concepts for Medibank and Medicare.

My paternal grandfather Trevor Butler also fought in World War II and was also an airman. It has occasionally been said of me I have my head in the clouds, and if that is the case it is my forefathers to thank for it. Trevor served in the British Air Force at the end of the war. He signed up in 1944 and was merely 18 years old. He was shot down by German bombers over the English Channel and survived, becoming a member of the esteemed international Goldfish Club, which is a worldwide association of people who have escaped an aircraft by parachuting into the water, or whose aircraft crashed in the water, and whose lives were saved by a life jacket or inflatable dinghy.

This is my own family history; many others have shared theirs. We share these stories and we are rightfully proud of our ancestors: those who served, those who fought and those who died. We share these stories because the raw numbers can be overwhelming and numbing that of the hundreds of thousands of Australians have fought for our country in war, tens of thousands died. It matters to put faces on these people, to give them names and to share their stories. This is our effort to know the unknown soldier; to humanise those involved in the dehumanising brutality of war. We are grateful to them for everything we have: for this Chamber, for our freedom, for our democracy.

The wars they fought in have been varied: some have been noble, some have been follies, some have been downright wrong. That is not a criticism of those who served, but of our political leaders who sent them away

Those who fought for Australia have been motivated by values and aspirations of service, which are things that could not be more important. On many occasions what they actually experienced were circumstances and horrors that could not have been more brutal. Franklin Roosevelt spoke these words, which remind us of the terror experienced by those who fight in wars:

I have seen war. I have seen war on land and sea. I have seen blood running from the wounded. I have seen men coughing out their gassed lungs. I have seen the dead in the mud. I have seen cities destroyed. I have seen 200 limping, exhausted men come out of line—the survivors of a regiment of 1,000 that went forward 48 hours before. I have seen children starving. I have seen the agony of mothers and wives. I hate war.

Of course, 11 November holds significance for Australians for another reason. On 11 November 1975 that scoundrel John Kerr dismissed the democratically elected Whitlam Government. This act directly defied and undermined the democratic principles that our ANZACs and our soldiers fought and died for. This moment represented a direct challenge to our right as Australians to determine our own future and manage our own institutions. Gough Whitlam was a great Australian; he was one of our best. Like my grandfather and great grandfather, he was also an airman who fought with the RAAF during World War II.

Like me, some charged that he had his head in the clouds. His ideas were challenging at the time, but not radical. They were ideas whose time had come, policies that had the support of the Australian people, and although he did not continue as Prime Minister after this date in 1975, the things he championed and the things he did lived well beyond his Government and his lifetime. He was ambitious but not in a hopelessly idealistically way. He was pure Labor in his combination of a vision for Australia's future and his gritty determination to get us there. The fight for a better world is not always an easy one. On this day of the dismissal we are spirited by Gough's words to, "maintain your rage and your enthusiasm".

#### TRIBUTE TO DOUG CUSH

**Mr JUSTIN FIELD (00:15:05):** I speak to recognise the life of Doug Cush. Doug of Saltwell, Bellata, was the founder of Bellata Gold Milling business and passed away in October. When the local papers around Moree reported Doug's passing, they described him as the master of pasta. He was known across the grains industry for his innovation in agricultural production and for having established the Bellata Gold Milling company in Tamworth, a milling and export business selling quality durum wheat from his properties across the Moree and Liverpool Plains to the world. I have eaten some of the Bellata Gold pasta, and it is good stuff indeed, but I knew Doug through his advocacy for protecting the fertile soils of the Moree Plains and its water resources from coal seam gas development.

Doug was the farmer who, probably going against the grain—pardon the pun—organised the first public meeting at Bellata in June 2011 to bring attention to his local area about the coal seam gas exploration licences that covered the area of Bellata, Gurley and wider Moree Plains region. I first met Doug not long after that on a visit to the region with a former member of this place, Mr Jeremy Buckingham. We arrived at Penny Blatchford's farm, who is Doug's daughter. I remember driving up the driveway to see this group of tough looking farmers with their arms crossed, clearly wondering why they would give any time to listen to a greenie up that way. It was long before the campaign against coal seam gas brought those two groups together. We got past the first test with introductions and speeches. We took a tour of the farm and headed to the back veranda for a barbecue and beer with Doug, Penny and her husband, Robbie, and a few others. There we received a crash course in dry land cropping and wheat milling. I asked Jeremy Buckingham for some words on his memories of Doug:

Doug would ring me routinely for long chats about the necessity to have a carbon price that was effective and fair. He was a man who bothered with the details and was passionate about ensuring Australian farmers, food processors and exporters could make a transition to a carbon neutral future while keeping the doors open. I remember him chewing Christine Milne's ear off for a couple of hours saying exactly that in a forceful but respectful manner.

Nothing speaks so highly of Doug's nature and willingness to put his reputation on the line for what is right as his proud and public support for his daughter Penny when she joined The Greens, which was totally unexpected for the region. Penny ran on The Greens Federal New South Wales Senate ticket in 2013 to raise awareness of the failures of the Coalition, in particular The Nationals, to deal with the risks of coal seam gas up around Moree, Bellata and Gurley. It was controversial locally and I know it split loyalties within the family and within the community, but it was not a low-key campaign.

Doug turned up for media photo-ops with his light plane stacked with The Greens corflutes delivered by air across the North West during the election campaign. At the time this was happening more than 60 per cent of the New South Wales was covered with coal seam gas exploration licences. Today it is a fraction of that and exploration activities across the North West have all but stopped. The push to cancel the licences on the Moree Plains continues today, including recent statements by local Nationals MPs. Doug was well ahead of his time. The people of the region have a lot to thank Doug Cush for—that they do not have a gas industry marching across the wheat fields of the Moree Plains today.

Doug's memorial will be held tomorrow in Inverell, where he was born, went to high school, played rugby and was married, but his final resting place will be at his home of 45 years at Saltwell. My thoughts tonight and tomorrow are with Doug's wife, Helen, and his three daughters Penny, Michelle and Natalie, and their husbands Rob, Hamish and James, and Doug's nine grandchildren, who all miss him very much. The world needs more people like Doug Cush, people who are prepared to bring an open and critical mind to the challenges of the world and who are prepared to go against the grain to create new ideas and form new alliances. He will be missed. Rest in peace, Doug.

#### VIC ALHADEFF

**The Hon. NATALIE WARD (00:20:02):** There will be truly big shoes to fill when Vic Alhadeff leaves the NSW Jewish Board of Deputies. After serving as the CEO for 16 years, on 22 October 2020 Mr Alhadeff announced his retirement upon the appointment of a successor. Vic always sets a fast pace. Three years ago to the day was the day of my first pre-selection to enter this place and as a newly minted member of Parliament in 2017, Vic was the very first official visitor who requested a meeting with me—he was right in there. I was proud and excited to meet with him. His reputation preceded him that first day; he was impressive, charming and forthright. He has been consistently passionate in his work every day since.

I was humbled to follow in the footsteps of my predecessor and become the chair of the Parliamentary Friends of Israel. At Vic's kind instigation, the Parliament of New South Wales was able to host the *Righteous Among the Nations* exhibition in the New South Wales Parliament House foyer in 2019. His work on that event was incredible. The exhibition included the story of his own family's experience during the Shoah and I thank him for bringing to the New South Wales Parliament those incredible stories of bravery and human kindness by those people who took risks with their own lives to save people during the Holocaust.

Under the generosity of Vic and the Jewish Board of Deputies, a parliamentary delegation of MPs was privileged to have undertaken a mission to Israel in January 2020, just before the pandemic. It was such a privilege. I will forever be indebted to the Jewish Board of Deputies for the incredible experience we all enjoyed. Standing at the Western Wall and seeing the Yad Vashem with my own eyes was truly life-changing. It was a gift of education and experience I will never forget.

Most importantly, I have been privileged to have worked closely with Vic to call out anti-Semitism and hate speech. It was an honour to stand in this Chamber and vote to support the changes to section 20D of the Anti-Discrimination Act to criminalise incitement to violence. This is the culmination of years of tireless advocacy and work by Vic. We can all be very proud of his achievements, especially as spokesperson for the Keep NSW Safe Coalition. At each and every opportunity Vic serves and protects our beloved Jewish community with all his heart. Prior to his work at the NSW Jewish Board of Deputies he was well-known as the editor of *The Australian Jewish News*, working at that newspaper for 18 years.

I have been so humbled to have had the opportunity to walk beside him. As chair of and on behalf of the Parliamentary Friends of Israel, I thank Mr Vic Alhadeff for his service. I sincerely hope that he enjoys more time with Nadene and his beloved grandchildren, more running, more swimming and more watching his beloved Rugby. Hopefully, he might even improve on his cooking. I understand that last time he worked on his cooking some fire engines arrived at his home. I look forward to continuing our work with the NSW Jewish Board of Deputies and the new CEO, but will always look to Vic for his sage advice, guidance and friendship. Best wishes, Vic Alhadeff.

#### UNPLANNED PREGNANCIES

**The Hon. GREG DONNELLY (00:23:31):** Even though there can be widely disparate views expressed on the range of issues that come before this House, I expect that there would be agreement, or near agreement, on the proposition that a reasonable measurement of how fair, just and decent a society is can be measured in the way that it acknowledges, supports and cares for its most vulnerable. The definition of who exactly are our most vulnerable may be a matter of debate and genuine disagreement. However, if we characterise such persons as those who often feel abandoned, isolated, unsupported, fearful of the future, disrespected and lacking in familial and social support, we may be able to start imagining examples of such vulnerable individuals.

Nevertheless, while modern society seems to frown upon raising the matter, let alone enunciating and implementing policy and practical initiatives that will support this most vulnerable group, their significant needs remain unmet. I am talking about women with an unplanned or unexpected pregnancy who wish to proceed with the birth of their child and do not want an abortion. It will remain to be seen if society's hardness of heart towards such women will soften over time. I make no claim of being able to approximate, even roughly, the number of women in New South Wales each year who find themselves in such circumstances. With a population of 7.5 million, I believe that it would be safe to say that over any 12-month period it is in the many thousands.

While the rhetoric of those who successfully prosecuted the case last year to remove abortion from the New South Wales Crimes Act 1900 was underpinned literally by shouts demanding choice, I pose this question: With 13 months having passed since abortion was removed from the New South Wales Crimes Act 1900 and placed into its own piece of legislation, has there been improvement—even a millimetre of improvement—for women who find themselves with an unplanned or unexpected pregnancy and who wish to proceed with the birth of their child and do not want an abortion?

I acknowledge that 13 months is not a particularly long time to see much change arising from legislative reform. Perhaps with abortion removed from the New South Wales Crimes Act 1900 there will be, step-by-step, an improvement in the way we respect and offer support and care for women who find themselves in the circumstances that I have described above. Those who were most vocal regarding the imperative of removing abortion from the New South Wales Crimes Act 1900 were generally the same individuals and organisations who accused those who advocated on the issues of respect, support and care for women experiencing an unplanned or unexpected pregnancy of acting in bad faith. They argued that those who engaged in such advocacy were acting fraudulently because their true intention was not directed towards women who found themselves in genuine need, but rather the opening up of a flank that was designed to be a distraction from what they saw as the only matter that warranted attention and effort: the removal of abortion from criminal law. The truth of the matter was that those claims were never true or fair.

Of course in politics "business is business". The deployment of the "whatever it takes" strategy in politics can, as we all know, get results. With abortion now removed from the State's criminal code, the awkward question that now arises is this: Will those who put so much time, effort and energy into removing abortion from the New South Wales Crimes Act 1900 be prepared to offer the same amount of time, effort and energy, and if not the same amount a reasonable amount, to work towards helping to do more to support and care for those women experiencing an unplanned or unexpected pregnancy who do not want an abortion?

It is early days since the legislative reform but thus far I have not seen any action or activity. Let me be perfectly clear. In my view the obligation to do more—indeed much, much more—for the vulnerable women I have outlined above falls not just on the shoulders of those who worked so hard to remove abortion from the State's criminal code. If we as a society are to respect, support and care for those vulnerable women, as they most certainly deserve, those who last year so vigorously opposed the removal of abortion from the New South Wales Crimes Act 1900 must also examine closely what they can do both individually and collectively to increase and expand what they provide materially and otherwise to those vulnerable women.

**The DEPUTY PRESIDENT (The Hon. Shayne Mallard):** The House now stands adjourned.

**The House adjourned at 00:28 until Thursday 12 November 2020 at 10:00.**