



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 18 November 2020

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Sessional Orders	2951
Chairs and Deputy Chairs of Committees	2951
Business of the House	2951
Parliamentary Sitting Calendar	2951
Motions	2951
Australian National Flag Day	2951
Breast Cancer Awareness Month	2952
International Day of Rural Women	2952
International Pathology Day	2952
Documents	2953
Budget 2020-2021	2953
Production of Documents: Order	2953
Budget Finances 2020-2021	2953
Production of Documents: Order	2953
Committees	2954
Legislation Review Committee	2954
Membership	2954
Joint Standing Committee on Road Safety	2954
Membership	2954
Documents	2954
State Budget and Jobs	2954
Production of Documents: Order	2954
Motions	2955
Ballina Shire Dementia Friendly Community Alliance	2955
Committees	2955
Procedure Committee	2955
Extension of Reporting Date	2955
Documents	2955
Department of Legislative Council	2955
Department of Parliamentary Services	2955
Reports	2955
Budget	2956
Budget Estimates and Related Papers 2020-2021	2956
Budget Estimates 2020 Timetable	2956
Committees	2957
Privileges Committee	2957
Reports	2957
Bills	2958
Electricity Infrastructure Investment Bill 2020	2958
First Reading	2958

TABLE OF CONTENTS—*continuing*

Personal Explanation	2960
Mr David Shoebridge Comments	2960
Documents	2960
Tabling of Papers	2960
Business of the House	2961
Suspension of Standing and Sessional Orders: Order of Business	2961
Order of Business	2961
Bills	2965
Crimes (Domestic and Personal Violence) Amendment (Coercive and Controlling Behaviour) Bill 2020	2965
First Reading	2965
Second Reading Speech	2965
Documents	2971
Parramatta Light Rail	2971
Production of Documents: Order	2971
Questions Without Notice	2972
School Infrastructure	2972
Indigenous Education	2973
Government Procurement Policy	2974
Point to Point Transport Hardship Fund	2976
State Budget and Education	2976
New South Wales-Victoria Border Closure	2977
Land Tax	2977
State Budget and Women	2980
Cultural Institutions	2980
Fines Revenue	2981
State Budget and Small Business	2982
Supplementary Questions for Written Answers	2983
Land Tax	2983
Questions Without Notice: Take Note	2983
Take Note of Answers to Questions	2983
State Budget	2983
Land Tax	2983
Indigenous Education	2984
Government Procurement Policy	2984
State Budget and Small Business	2985
New South Wales-Victoria Border Closure	2985
School Infrastructure	2985
School Infrastructure	2986
State Budget and Education	2986
Fines Revenue	2986
Take Note of Answers to Questions	2987

TABLE OF CONTENTS—*continuing*

Written Answers to Supplementary Questions	2987
State Budget and Small Business.....	2987
Department of Planning, Industry and Environment	2988
Private Members' Statements.....	2988
Pig Farming	2988
The Great Reset	2989
Tribute to Robert Byrne	2989
Bushfires	2990
Parkes Library and Cultural Centre	2990
Fascism	2991
State Budget.....	2991
National Road Safety Week.....	2992
Tribute to Gertrude Melville.....	2992
Illawarra Region	2993
Documents	2993
Parramatta Light Rail.....	2993
Production of Documents: Order.....	2993
Motions	2994
Independent Commission Against Corruption	2994
Reference	2994
Bills.....	2997
ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020	2997
Second Reading Debate	2997
Business of the House.....	3002
Postponement of Business	3002
Personal Explanation	3002
The Hon. Gladys Berejiklian	3002
Bills.....	3002
Bushfires Legislation Amendment Bill 2020	3002
In Committee	3002
Adoption of Report	3018
Business of the House.....	3019
Suspension of Standing and Sessional Orders: Conduct of Business.....	3019
Bills.....	3019
Bushfires Legislation Amendment Bill 2020	3019
In Committee	3019
Adoption of Report	3020
Third Reading	3020
Rulings	3021
The Hon. Gladys Berejiklian	3021
Documents	3021

TABLE OF CONTENTS—*continuing*

Daryl Maguire, Former Member for Wagga Wagga	3021
Further Return to Order	3021
Claim of Privilege.....	3022
Motions	3022
Independent Commission Against Corruption	3022
Messages	3022
Bills	3022
ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020	3022
Second Reading Debate	3022
Third Reading	3030
Documents	3031
Daryl Maguire, Former Member for Wagga Wagga	3031
Production of Documents: Order	3031
Motions	3032
Commencement of the Modern Slavery Act 2018 (NSW).....	3032
Documents	3036
School Infrastructure NSW	3036
Production of Documents: Order	3036
NSW Police Force	3038
Production of Documents: Order	3038
The Hon. Gladys Berejiklian	3039
Production of Documents: Order	3039
Motions	3040
Ausgrid	3040
Bills	3045
Stronger Communities Legislation Amendment (Domestic Violence) Bill 2020	3045
Messages	3045
Documents	3045
Floodplain Harvesting	3045
Production of Documents: Order	3045
Fast Rail Network Strategy	3047
Production of Documents: Order	3047
Western Sydney Airport and Aerotropolis	3048
Production of Documents: Order	3048
Noetic Bushfire Reports	3049
Production of Documents: Order	3049
Councillor Antoine Doueihy	3050
Production of Documents: Order	3050
Dam Infrastructure	3052
Production of Documents: Order	3052
Building and Construction Industry.....	3053

TABLE OF CONTENTS—*continuing*

Production of Documents: Order.....	3053
SafeWork NSW	3054
Production of Documents: Order.....	3054
Adjournment Debate.....	3054
Adjournment.....	3054
Free-Range Farms.....	3054
Tribute to Donald Grant.....	3055
Gambling Harm Minimisation.....	3056
Community Transport.....	3057
State Budget and Hunter Region	3058
Prison Officers Vocational Branch.....	3059
Diwali	3059

LEGISLATIVE COUNCIL

Wednesday, 18 November 2020

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

The PRESIDENT read the prayers.

Sessional Orders

CHAIRS AND DEPUTY CHAIRS OF COMMITTEES

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:03:12): I move:

That, during the current session and unless otherwise ordered, Standing Order 211 be varied to read:

- (1) Chairs and Deputy Chairs of committees are to be appointed or elected by the committee in accordance with the resolution of the House appointing the committee.
- (2) The member nominated as Deputy Chair is to act as Chair when the Chair is absent from a meeting.
- (3) In the absence of both the Chair and Deputy Chair from a meeting of a committee, a member of the committee is to be elected by the members present to act as Chair for that meeting of the committee.
- (4) In the absence of the Deputy Chair from a meeting of a committee, a member of the committee may be elected by the members present to act as Deputy Chair of the meeting of the committee.
- (5) In the specific circumstances where the Chair is attending a committee hearing remotely via electronic means, the Deputy Chair may act as Chair of the hearing at the request of the Chair. Alternatively, if the Deputy Chair is absent, the committee may elect another member present in the hearing room to act as Chair of the hearing. However, the Chair may resume chairing the proceedings at any time and must resume chairing the proceedings when the committee is deliberating in private.
- (6) The Chair, Deputy Chair, or other member acting as Chair at a meeting of a committee has a deliberative vote and, in the event of an equality of votes, a casting vote.

Motion agreed to.

Business of the House

PARLIAMENTARY SITTING CALENDAR

Mr DAVID SHOEBRIDGE (10:03:46): I move:

- (1) That the resolution setting the sitting calendar for 2021 be amended by omitting "February 16, 17, 18" and inserting instead "February 16, 17, 18, 19".
- (2) That notwithstanding anything contained in the sessional orders, general business is to take precedence of Government business on Friday 19 February 2021.

Motion agreed to.

Motions

AUSTRALIAN NATIONAL FLAG DAY

The Hon. NATASHA MACLAREN-JONES (10:04:25): I move:

- (1) That this House notes that:
 - (a) Australian National Flag Day, held on 3 September, celebrates the anniversary of the first time the Australian flag was officially flown in Melbourne over the dome of the Royal Exhibition Building in 1901;
 - (b) on that day Australia's first Prime Minister, the Rt Hon. Sir Edmund Barton, announced the winners of the design competition for the new Commonwealth of Australia flag;
 - (c) it was a public design competition with 32,823 entries and five nearly identical entries were awarded equal first.
 - (d) the winners were:
 - (i) Annie Dorrington, who was a well-known artist from Perth;
 - (ii) Ivor Evans, a 14-year-old Melbourne school boy whose father owned a flag-making business;
 - (iii) Lesley Hawkins, an 18-year-old from Leichhardt, Sydney, who was an apprentice to a Sydney optician at the time;
 - (iv) Eggbert Nutall, an architect with the Melbourne and Metropolitan Board of Works; and
 - (v) William Stevens, a first officer with the Union Steamship Company of New Zealand.

- (e) the key elements of the winners' designs were used to create the new flag that demonstrated the national unity of Australia; and
 - (f) Australian National Flag Day was proclaimed on 28 August 1996 by then Governor General of the Commonwealth of Australia, Sir William Deane.
- (2) That this House acknowledges the significance of the Australian national flag as the foremost national symbol of Australia.

Motion agreed to.

BREAST CANCER AWARENESS MONTH

The Hon. NATASHA MACLAREN-JONES (10:04:39): I move:

- (1) That this House notes that:
- (a) October is Breast Cancer Awareness Month in Australia;
 - (b) as part of the annual Breast Cancer Awareness Month, the Pink Ribbon campaign aims to raise awareness about breast and gynaecological cancers, as well as raise funds for prevention programs, support services and vital cancer research;
 - (c) breast cancer remains the most common cancer among Australian women (excluding non-melanoma skin cancer);
 - (d) in 2020 it is predicted that 19,998 women and 170 men will be diagnosed with breast cancer; and
 - (e) survival rates continue to improve in Australia with 89 out of every 100 women diagnosed with invasive breast cancer now surviving five or more years beyond diagnosis.
- (2) That this House acknowledges the fantastic work of the McGrath Breast Cancer Nurses and the support they provide to patients and their families.

Motion agreed to.

INTERNATIONAL DAY OF RURAL WOMEN

The Hon. NATASHA MACLAREN-JONES (10:04:46): I move:

- (1) That this House notes:
- (a) that United Nations' International Day of Rural Women is on 15 October 2020;
 - (b) the tireless advocacy of the Country Women's Association of NSW and their representation of women and children in rural, regional and remote New South Wales; and
 - (c) that women play a vital and diverse role across the communities of rural New South Wales as mothers, entrepreneurs, farmers, business owners, healthcare professionals and as business, industry and community leaders.
- (2) That this House acknowledges and celebrates all rural women in New South Wales for their contributions to agriculture, business and community.

Motion agreed to.

INTERNATIONAL PATHOLOGY DAY

The Hon. NATASHA MACLAREN-JONES (10:05:18): I move:

- (1) That this House notes that:
- (a) 11 November 2020 is International Pathology Day, a time to celebrate and recognise the contribution pathologists make to health care and medicine;
 - (b) pathology plays an invaluable role in the detection, diagnosis and treatment and prevention of disease with over 70 per cent of medical decisions relying on pathology;
 - (c) in Australia there are more than 1,800 pathologists, with 35,000 people working in various roles in pathology;
 - (d) in New South Wales we are privileged to have Australia's largest public pathology service: NSW Health Pathology, with 5,000 staff, including pathologists, scientists, technicians and support teams who help protect and improve the health and wellbeing of our communities from before birth to end of life; and
 - (e) Rapid PCR testing using GeneXpert is used for high-priority patients at 38 NSW Health Pathology labs across the State to help protect our local communities and curb the spread of COVID-19 and, of these 38 labs, NSW Health Pathology also conducts molecular PCR testing of suspected COVID-19 cases at 13 large-scale labs around New South Wales at:
 - (i) Westmead;
 - (ii) Prince of Wales Randwick;
 - (iii) Bega;
 - (iv) Wagga Wagga;
 - (v) Dubbo;

- (vi) Concord;
 - (vii) Lismore;
 - (viii) Liverpool;
 - (ix) Nepean;
 - (x) Royal Prince Alfred Hospital Camperdown;
 - (xi) Royal North Shore;
 - (xii) John Hunter in Newcastle; and
 - (xiii) Tamworth.
- (2) That this House commends the State's pathologists for their contributions to maintain the health and safety of the people of New South Wales.

Motion agreed to.

Documents

BUDGET 2020-2021

Production of Documents: Order

The Hon. ADAM SEARLE (10:05:37): 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 searchable electronic format if possible, excluding the Budget Estimates and related papers for the financial year 2020-21, in the possession, custody or control of the Premier, the Treasurer, the Minister for Finance and Small Business, the Treasury, the Department of Customer Service or the Department of Premier and Cabinet relating to the 2020-2021 budget:

- (a) all advice, correspondence, briefing papers and documents provided by New South Wales Government departments, agencies and public trading enterprise sectors to the Treasurer, the Treasury or the Department of Premier and Cabinet relating to the 2020-2021 budget, including but not limited to:
 - (i) any documents that assess the impact of any of the measures outlined in the budget;
 - (ii) any models or documents that estimate the revenues to be raised as a result of the measures outlined in the budget;
- (b) all advice, correspondence, briefing papers, budget kits and budget electorate reports provided to any members of Parliament relating to the 2020-2021 budget handed down on 17 November 2020;
- (c) any documents, excepting any budget papers tabled in Parliament, provided to individual members of Parliament outlining regional electorate capital works summaries, by electorate, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by the Treasury;
- (d) any documents, excepting any budget papers tabled in Parliament, which refer to capital expenses by electorate, by agency, funded by appropriations from Parliament as well as funds from asset sales and other sources, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by the Treasury;
- (e) any other documents, excepting any budget papers tabled in Parliament, which refer to capital and recurrent expenses by electorate, including but not limited to documents described as electorate reports and regional reports in Prime—the financial management system used by the Treasury; 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.

Motion agreed to.

BUDGET FINANCES 2020-2021

Production of Documents: Order

The Hon. ADAM SEARLE (10:05:53): 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 searchable electronic format if possible, in the possession, custody or control of the Premier, the Treasurer, the Minister for Finance and Small Business, the Treasury, the Department of Customer Service or the Department of Premier and Cabinet relating to the Government's 2020-21 budget finances:

- (a) any document detailing recurrent and capital estimates at agency level for the financial years 2019-20 [revised] to 2020-21 inclusive, noting that printouts provided from Treasury's financial information system should only be the version consistent with the 2020-2021 State budget;
- (b) any document identifying uncommitted, unallocated funds or contingencies within those forward estimates, noting that printouts provided from Treasury's financial information system should only be the version consistent with the 2020-2021 State budget;

- (c) all estimates relating to projects included in the State Infrastructure Plan, Rebuilding NSW, Restart NSW, State Infrastructure Strategy, Metropolitan Strategy and the State Plan 2021;
- (d) any document showing economic and other assumptions underpinning the estimates for the financial years 2020-21 to 2023-24 inclusive;
- (e) any document identifying or qualifying risks and contingent liabilities that might impact the financial years 2019-20 [revised] to 2022-23 inclusive;
- (f) any document that relates to the State's future financial position as revealed in the estimates;
- (g) any documents pertaining to 2019-20 actual budget performance not requested elsewhere in this order;
- (h) all documents pertaining to revenue estimates 2020-21 to 2023-24 inclusive; and
- (i) 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.

Committees

LEGISLATION REVIEW COMMITTEE

Membership

The Hon. ADAM SEARLE: I move:

That under section 5 of the Legislation Review Act 1987 Mr Anthony D'Adam be discharged from the Legislation Review Committee and Mr Shaoquett Moselmane be appointed as a member of the committee.

Motion agreed to.

The Hon. ADAM SEARLE: I move:

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

Motion agreed to.

JOINT STANDING COMMITTEE ON ROAD SAFETY

Membership

The Hon. ADAM SEARLE: I move:

That Mr Daniel Mookhey be discharged from the Joint Standing Committee on Road Safety and Mr Shaoquett Moselmane be appointed as a member of the committee.

Motion agreed to.

The Hon. ADAM SEARLE: I move:

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

Motion agreed to.

Documents

STATE BUDGET AND JOBS

Production of Documents: Order

The Hon. PETER PRIMROSE (10:07:45): 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 searchable electronic format if possible, in the possession, custody or control of the Premier, the Treasurer, the Minister for Finance and Small Business, the Treasury, the Department of Customer Service or the Department of Premier and Cabinet relating to the Government's 2020-2021 budget and budget finances:

- (a) all documents detailing the estimated total number of new direct jobs that will be created as a result of each project or program listed in the Budget Overview; Regional NSW Budget Report; Budget Paper No. 2 - Infrastructure, and Budget Paper No. 3 - Agency Financial Statements by:
 - (i) job category: ongoing (full-time or part-time), casual, and contracted or fixed-term;
 - (ii) each year of each program or project; and
 - (iii) the overall duration of each program or project.
- (b) all documents identifying tenders and contracts for work that estimate the total number of new direct jobs to be created as a result of the projects or programs listed in the budget papers;
- (c) all documents that identify how the estimated number of new direct jobs have been calculated and estimated; 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.

Motion agreed to.

Motions

BALLINA SHIRE DEMENTIA FRIENDLY COMMUNITY ALLIANCE

The Hon. BEN FRANKLIN (10:08:16): I move:

- (1) That this House recognises Ballina Shire Dementia Friendly Community Alliance [BSDFCA] has recently received their certification as a member of the National Dementia Friendly Communities Program.
- (2) That this House notes that BSDFCA:
 - (a) began in 2018;
 - (b) was formed by a group of local businesses, community groups, organisations and individuals, including people living with dementia and their advocates; and
 - (c) was founded on the shared goal of making Ballina shire a dementia-inclusive community.
- (3) That this House acknowledges the certification as member of the National Dementia Friendly Communities Program is due to:
 - (a) the persistence and hard work of the 47 group members, the steering committee of 11 people and the advisory group of 9 people with lived experience of dementia, carers and advocates;
 - (b) the particular efforts of the co-chairs for their leadership and advocacy:
 - (i) Ms Anne Moehead, OAM; and
 - (ii) Ms Valerie Schache.
 - (c) raising awareness of dementia within the community through:
 - (i) Dementia Action Week 2019;
 - (ii) Seniors Week 2019;
 - (iii) pop-up information stalls;
 - (iv) providing contacts, tips and information directly to local businesses and organisations; and
 - (v) State conference presentations.
 - (d) working with professional bodies such as:
 - (i) Southern Cross University;
 - (ii) the Dementia Collaborative Research Centre, QUT;
 - (iii) Ballina Shire Council; and
 - (iv) the International Organisation for Standardisation.
- (4) That this House thanks the BSDFCA for their advocacy surrounding dementia and congratulates the BSDFCA on their certification.

Motion agreed to.

Committees

PROCEDURE COMMITTEE

Extension of Reporting Date

The Hon. DAMIEN TUDEHOPE: I inform the House that on this day the Procedure Committee resolved to extend the reporting date for its inquiry into the impact of the sessional order variation to the scheduling of business and sitting days to Friday 26 March 2021.

Documents

DEPARTMENT OF LEGISLATIVE COUNCIL

DEPARTMENT OF PARLIAMENTARY SERVICES

Reports

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:09:28): I move:

- (1) That, if the House is not sitting, the Clerk may table the annual report of the Department of the Legislative Council 2019-2020 and the Department of Parliamentary Services annual report 2019-2020 with the President.

- (2) On tabling with the President the reports are:
- (a) on presentation, and for all purposes, deemed to have been laid before the House;
 - (b) authorised to be published and printed by authority of the House; and
 - (c) to be recorded in the minutes of the proceedings of the House when the House next sits.

Motion agreed to.

Budget

BUDGET ESTIMATES AND RELATED PAPERS 2020-2021

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:09:47): I move:

- (1) That the budget estimates and related papers for the financial year 2020-21 presenting the amounts to be appropriated from the Consolidated Fund be referred to the portfolio committees for inquiry and report.

Motion agreed to.

BUDGET ESTIMATES 2020 TIMETABLE

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:09:50): I move:

- (2) That, further to the resolution of the House of 11 November 2020 adopting the 2021 sitting calendar, the 2020-2021 initial budget estimates hearings be scheduled as follows:

Day One: Thursday 25 February 2021

- PC 6 Transport and Roads
PC 1 Special Minister of State, Public Service and Employee Relations, Aboriginal Affairs and the Arts

Day Two: Friday 26 February 2021

- PC 4 Deputy Premier, Regional New South Wales, Industry and Trade
PC 5 Families, Communities and Disability Services

Day Three: Monday 1 March 2021

- PC 3 Tertiary Education and Skills
PC 4 Water, Property and Housing
PC 1 The Legislature

Day Four: Tuesday 2 March 2021

- PC 5 Attorney General and Prevention of Domestic Violence
PC 7 Energy and Environment

Day Five: Wednesday 3 March 2021

- PC 3 Education and Early Childhood Learning
PC 4 Agriculture and Western New South Wales

Day Six: Thursday 4 March 2021

- PC 2 Health and Medical Research
PC 1 Premier

Day Seven: Friday 5 March 2021

- PC 5 Sport, Multiculturalism, Seniors and Veterans
PC 6 Better Regulation and Innovation

Day Eight: Monday 8 March 2021

- PC 1 Treasury
PC 6 Customer Service

Day Nine: Tuesday 9 March 2021

- PC 5 Counter Terrorism and Corrections
PC 7 Planning and Public Spaces

Day Ten: Wednesday 10 March 2021

- PC 1 Jobs, Investment, Tourism and Western Sydney
PC 6 Regional Transport and Roads

Day Eleven: Thursday 11 March 2021

- PC 7 Local Government
PC 2 Mental Health, Regional Youth and Women

Day Twelve: Friday 12 March 2021

PC 5 Police and Emergency Services
PC 1 Finance and Small Business

- (3) That supplementary hearings be scheduled on such other dates as required by committees, with the examination of portfolios on those days and the time for giving of evidence by Ministers, Parliamentary Secretaries and officers to be determined by resolution of each committee.
- (4) That for the purposes of the budget estimates inquiry 2020-2021:
- (a) each scheduled day for the initial rounds of hearings will begin at 9.30 a.m. and conclude by 8.30 p.m.;
 - (b) the committees must hear evidence in public;
 - (c) the committees may ask for explanations from Ministers, Parliamentary Secretaries or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure;
 - (d) witnesses, including Ministers, may not make an opening statement before the committee commences questions;
 - (e) members may lodge supplementary questions with the committee clerk by 5.00 p.m. within two business days, following a hearing; and
 - (f) answers to questions on notice and supplementary questions are to be published, except those answers for which confidentiality is requested, after they have been circulated to committee members.
- (5) That the committees present a final report to the House by 30 June 2021.

Motion agreed to.

Committees

PRIVILEGES COMMITTEE

Reports

The Hon. PETER PRIMROSE: I table report No. 81 of the Privileges Committee entitled *Execution of search warrants by the Australian Federal Police No. 2*, dated November 2020, together with submissions and correspondence relating to the inquiry. I move:

That the report be printed.

Motion agreed to.

The Hon. PETER PRIMROSE (10:10:35): I move:

That the House take note of the report.

It is the second report arising from the events of June and July of this year, when an investigation team of the Australian Federal Police [AFP] executed search warrants on the home and parliamentary office of the Hon. Shaoquett Moselmane and on premises associated with his then staffer, Mr John Zhang. The first report dealt exclusively with claims of privilege made by Mr Moselmane, whereas the second report considers claims of privilege made by Mr Zhang through his legal representatives. The inquiry was referred to the Privileges Committee by the President of the Legislative Council on 27 October 2020 following correspondence received by the Clerk of the Parliaments from the Deputy General Counsel of the AFP and from Mr Zhang's legal representatives.

As with the previous claims, the evidence held by the Clerk as the neutral third party was obtained under the framework given in the document titled *AFP National Guideline for Execution of Search Warrants where Parliamentary Privilege may be involved*. Those guidelines give a parliamentary staffer the right to make claims of privilege over material seized. However, Mr President, when you made the reference to our committee, you included a requirement that the committee invite submissions from the member as well as the former staffer. That followed comments made in the committee's first report that it was important that a member have an independent right to claim privilege in situations such as this, as a staffer may not be aware of the use a member may make of their research.

Following a submission process, Mr Zhang's legal representatives greatly narrowed the original claims made of parliamentary privilege. In its recommendations to the House, the committee is only suggesting that privilege be upheld on three items, which are parliamentary speeches and draft motions. The rest of the material held by the Clerk, numbering almost 300 items, will be returned to the AFP for its investigation if the House adopts the recommendations of the committee. The inquiry raised two interesting issues. Some items were draft submissions to a Federal parliamentary inquiry into the foreign interference bill.

After consultation by our Clerk with the Clerks of the Senate and House of Representatives, the committee determined that the privilege status of a submission to a Federal parliamentary inquiry should be determined by the Federal Parliament and not the New South Wales Parliament. Secondly, the issue of Chinese translations of

speeches in Parliament by the member was a matter of contention. The committee recommended that privilege not be upheld, as the documents were a re-publication of parliamentary proceedings rather than documents prepared for use in Parliament. The implications for members of the latter issue will be one of the matters considered in a third inquiry by the committee, which will look at a range of complex issues arising from those warrants. The third inquiry, if agreed to by the House, will also consider the alleged detention and seizure of material from Mr Zhang in January of this year by the Australian Border Force—an incident which neither the member nor the New South Wales Parliament have been formerly notified of by any Federal agency.

The inquiry operated under a very tight reporting time frame because of the parliamentary sitting calendar. The time given to those making submissions was particularly constrained. I am very appreciative of the cooperation of the four parties who made submissions to this inquiry—the AFP, Mr Zhang's legal representative, Mr Moselmane's representative and the Clerk of the Parliaments—who met all the tight deadlines set by the committee and were respectful throughout the committee's process. As with the first inquiry, I am grateful to the members of the committee, who have taken a constructive and nonpartisan approach. It is important that the Privileges Committee operates in that way, as its role is important to all members. I am also appreciative of the work of the Deputy Clerk, Mr Steven Reynolds; the Usher of the Black Rod, Jenelle Moore; and Acting Council Officer, Noora Hijazi, at the busiest time of the parliamentary year.

Debate adjourned.

Bills

ELECTRICITY INFRASTRUCTURE INVESTMENT BILL 2020

First Reading

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

The Hon. DAMIEN TUDEHOPE: According to sessional order, I declare the bill to be an urgent bill.

The Hon. Mark Latham: Mr President, am I allowed to speak on that?

The PRESIDENT (10:20:25): I will confer with the Clerk. Sessional Order 11 (1) reads:

11. Cut-off dates for Government bills in the Budget and Spring sitting periods

That, notwithstanding anything to the contrary in the standing and sessional orders, during the current session, the following procedures apply to the passage of government bills introduced by a Minister or received from the Legislative Assembly within the last two sitting weeks of the Budget or Spring sitting periods:

- (1) After the first reading, a Minister may declare a bill to be an urgent bill providing that copies have been circulated to members. The question "That the bill be considered an urgent bill" is to be decided without amendment or debate, except a statement not exceeding 10 minutes each by a Minister and the Leader of the Opposition or a member nominated by the Leader of the Opposition, and two crossbench members not of the same party and not exceeding five minutes each.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:21:36): Most members have been aware that this bill has been coming this way for some time. There have been crossbench briefings in relation to it. I would have anticipated that all members would have anticipated it and not been taken by surprise that it has come before the Parliament today.

The Hon. ADAM SEARLE (10:21:41): For the reasons that I outlined in the debate yesterday on whether or not this bill ought to be referred to a committee, the Opposition will support this bill being declared urgent. The issues in it have been well canvassed in the other place, as well as in the broader community. There is no doubt that it is a very significant piece of legislation but, as I indicated yesterday, I think the members of this House are well equipped to deal with the issues contained within it.

The Hon. MARK LATHAM (10:22:12): I oppose the motion of urgency. The Leader of the Opposition said that the matters were canvassed in the other place, as they were last night. This Chamber should take time to examine what happened in the Legislative Assembly yesterday and thoroughly disassociate itself from the decision-making process and the amendments that have been moved there. It looked like something from a Third World legislative process where a member would stand up willy-nilly and say, "I'd like a renewable energy zone in my area. I'm from the Central Coast." Another fellow from the Hunter would say, "I'd like a renewable energy zone." It was like the Parliament of Botswana. Members were all standing up outside of the structure and outside of the recommendations of the Australian Energy Market Operator [AEMO] to get their own little renewable energy zone. Then it goes on to the Illawarra.

The Government, in collaboration with the Labor Party, started the day with three renewable energy zones and ended up with six, and we are expected to digest that in a short period of time. The Leader of the Opposition

is saying five but they amalgamated Hunter and Central Coast, which is an absurdity. Those are ambit claims by people who do not know what they are doing. To associate ourselves in a rushed process with this Third World type of parliamentary consideration is a disgrace. Furthermore, have a look at the news today of the police raids on the Construction, Forestry, Maritime, Mining and Energy Union. The CFMEU is being appointed by a Liberal-Labor coalition to be part of a so-called manufacturing effort to get the steel to be used for the solar panels made in New South Wales. Why is the Liberal Party backing in the appointment of the CFMEU—which was raided by the police this morning for reasons of corruption—onto this all-important committee? What has happened to the Liberal Party?

The Hon. Damien Tudehope: Point of order: This is in relation to urgency. It strikes me as difficult to make the connection between a raid on the CFMEU and the urgency that attaches to this bill.

The PRESIDENT: The honourable member needs to link what he is saying to urgency.

The Hon. MARK LATHAM: It is not urgent work for this Chamber because this Chamber should carefully and methodically consider the extra material moved by the Legislative Assembly last night. We are talking about less than 14 hours for this House to digest that, and to prepare a second reading debate and possible amendments. I am raising the very clear point that what has happened with the CFMEU—and furthermore the news overnight that on the budget day AGL announced that it was freezing its investment proposal for the gas plant at Tomago in Newcastle and reviewing its commitments to the battery farm at the old Liddell site—comprises fresh information that needs to be absorbed in a careful and methodical way. It needs to be absorbed without urgency and without this mad rush between the climate change cartel of Liberals, Nationals, Labor, The Greens and others on the crossbench who are rushing this through.

Mr David Shoebridge: It's almost the whole world.

The Hon. MARK LATHAM: Thank goodness we are here for holding the Executive to account, for transparency in government and for giving a voice to stakeholders. All of that Green rhetoric that has come from the Hon. David Shoebridge over the years is now so hollow, so empty and so meaningless on this item. There are so many flaws in this bill: the flight of investment by AGL and the role of the CFMEU. None of those things are urgent. We have this disgraceful Third World process where anyone can apparently have a renewable energy zone and where the head of the AEMO has said that we have not considered the implications of those proposals for the early exit of the existing generators. Why do we want to rush into a process that could lead to a supply crisis, blackouts, mass loss of jobs and price increases in New South Wales? Because they are all in on it. That is why.

It is not for the public interest or for due process. It is not for thinking about public policy in a proper, methodical and structured way. They are all in on it for reasons of religion—the renewables religion is like that. When you do not scrutinise things, it is a matter of faith. You look to the sky and think that somehow that is energy policy. On the Government side, what we are seeing here particularly with the role of the CFMEU is the merging of the Photios business model with the CFMEU business model. It is quite a disgrace. The Leader of the Government shakes his head, as he did yesterday. He only has to walk down the corridor with me on any day to hear his own people saying the parrot cry of "Photios money, Photios money, Photios money!" I have described it here as Photios dust. When your own side are saying those things in politics, the dogs are well and truly barking.

The Hon. Damien Tudehope: Point of order: This is way outside of anything that relates to urgency. It reflects on people in another place.

The PRESIDENT: The member should confine his remarks to why it is urgent or not urgent. The member has completed his remarks.

Mr DAVID SHOEBRIDGE (10:27:23): The Greens supports urgency. This matter has been on the books now since last week, exceeding the standard five-day period. It will not be debated again until tomorrow. It has also been the subject of substantial public discussion for a significant amount of time. To address the conspiracy theory argument we must remember that in the eyes of the Hon. Mark Latham this conspiracy about climate change involves almost the entire business community, all of the peak business lobbies, the mining union, the construction union, the Coalition, the Labor Party, The Greens and 90 per cent of the community.

To pretend that the honourable member can come forward and say that this is a conspiracy of pretty much everybody in the Parliament, everybody in decision-making places and everybody who has decision-making power in New South Wales except for One Nation is a remarkable proposition. To try to make that a credible argument to oppose urgency in this does the member no credit. We should not deal in conspiracy theories. Of course people have interests in this. People want to see the climate made safe. People want to see reliable electricity. Some businesses want to make money out of delivering reliable electricity. We all want to ensure that power prices do not go through peaks and troughs as we have irregular shutdown of the existing coal-fired power transmission.

All members have a collective interest in passing the legislation so that there is a sane, long-term, sustainable energy policy in New South Wales. Far from being a conspiracy, that is something that we should all celebrate because it is actually good policy. There is multi-partisan support from businesses, unions, the community, environmental groups and political groups. We are all on board except for one member who says he was excluded from the conspiracy. The Hon. Mark Latham was not excluded from the conspiracy; he is living in a weird little conspiracy bubble of his own making. The Greens support the declaration of urgency.

The Hon. MARK LATHAM: I seek leave to make a personal explanation.

The PRESIDENT: I have to put the question on this first and then the Hon. Mark Latham may make a personal explanation. The question is that the bill be considered an urgent bill.

The House divided.

Ayes34
Noes4
Majority.....30

AYES

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

NOES

Banasiak	Latham (teller)	Roberts (teller)
Borsak		

Declaration of urgency agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

Personal Explanation

MR DAVID SHOEBRIDGE COMMENTS

The Hon. MARK LATHAM (10:41:00): By leave: Mr Shoebridge has made things up in saying that I was speaking of a conspiracy. Clearly, I spoke of a coalition of interests around the Chamber that are supporting a policy. I assure the House that if members were to have a free vote on this issue, concerns would be articulated by many more members than One Nation.

Leave withdrawn.

The PRESIDENT: I remind honourable members that once leave is withdrawn a member should cease speaking.

Documents

TABLING OF PAPERS

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

- (1) The annual report of the NSW Law Reform Commission for the year ended 30 June 2020.
- (2) Report No. 148 of the NSW Law Reform Commission entitled *Consent in relation to sexual offences*, dated September 2020.

I move:

That the reports be printed.

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

- (1) That the order of private members' business for today be as follows:
 - (1) Private members' business item No. 577 standing in the name of Ms Abigail Boyd relating to Crimes (Domestic and Personal Violence) Amendment (Coercive and Controlling Behaviour) Bill.
 - (2) Private members' business item No. 937 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding stage 2 of the Parramatta Light Rail project.
 - (3) Private members' business item No. 936 standing in the name of the Hon. Daniel Mookhey relating to a reference to the Independent Commission Against Corruption.
 - (4) Private members' business item No. 859 standing in the name of the Hon. Robert Borsak relating to the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020.
 - (5) Private members' business item No. 931 standing in the name of the Hon. Mark Latham relating to a further order for papers regarding the interests and representations by Mr Daryl Maguire.
 - (6) Private members' business item No. 871 standing in the name of the Hon. Adam Searle relating to modern slavery.
 - (7) Private members' business item No. 896 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding 2019/20 Works in Progress Summary.
 - (8) Private members' business item No. 938 standing in the name of Mr David Shoebridge relating to an order for papers regarding civil claims and the NSW Police Force.
 - (9) Private members' business item No. 942 standing in the name of the Hon. John Graham relating to an order for papers regarding funding grants and the Premier.
 - (10) Private members' business item No. 878 standing in the name of the Hon. Mark Buttigieg relating to job cuts at Ausgrid.
 - (11) Private members' business item No. 880 standing in the name of Mr Justin Field relating to an order for papers regarding floodplain harvesting regulation.
 - (12) 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.
 - (13) 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.
 - (14) Private members' business item No. 933 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding bushfire reports by Noetic.
 - (15) Private members' business item No. 817 standing in the name of the Hon. Adam Searle relating to an order for papers regarding Councillor Antoine Doueihy, mayor of Strathfield.
 - (16) Private members' business item No. 945 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding dam infrastructure projects.
 - (17) Private members' business item No. 816 standing in the name of the Hon. Adam Searle relating to an order for papers regarding adjudicated claims in the building and construction industry.
 - (18) 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.
- (2) That, notwithstanding anything to the contrary in the sessional orders, business be interrupted at 4.30 p.m. for Government business to take precedence until 6.30 p.m., unless earlier concluded.

I indicate that it has been agreed that private members' business items at paragraph Nos 2, 3 and 5 to 18 will be considered in the short form format.

The Hon. MARK LATHAM (10:55:05): I move:

That the question be amended by omitting paragraph (2) relating to precedence of government business.

At the Whips' meeting yesterday I raised that private members' day should be for private members' business. The honourable Government Whip said that the Government wanted to take two hours between 4.30 p.m. and 6.30 p.m. because of a pressing agenda that could be debated in those two hours. The next morning we found out—and I take this is a breach of good faith—that the Government has a plan for us to sit right through Thursday night, past the hard adjournment and into Friday morning, and perhaps run us right through the budget on Friday. That is a 24-hour, round-the-clock sitting. If the Government Whip was aware of that at the Whips' meeting yesterday, it should have been put on the table. Clearly the two hours are not needed if the Government has a plan to potentially sit for 20 hours.

Furthermore, I recall that when we moved private members' day to Wednesday the Leader of the Government and the Deputy Leader of the Government came around in a rare—indeed, the only—visit to my office, pleading that we needed private members' day on Wednesday so that on a Thursday they could knock off at five o'clock and go home. Now we find out that this Thursday the plan is to knock off the hard adjournment at midnight and go all night. If the Government had that plan it should have been put on the table at the Whips' meeting and we should have considered it in the full context of what was coming up. Clearly there is no need for two hours of Government business on a private members' day if the Government has another plan, not disclosed to us, to sit for potentially 20 hours round the clock on Thursday and through the early hours of Friday. I will interrupt the sitting at seven o'clock to do my *Sunrise* interview and then get back into it.

I have done all-night sittings before; they are never pleasant, productive, proper or necessary. But if that is the plan then we should reconsider what happened at the Whips' meeting. I raised private members' day as a day for private business. Without trying to verbal anyone, a number of other Whips said they were agnostic or ambivalent about it. It was in good faith that the committee decided that we would accept the two hours from 4.30 p.m. to 6.30 p.m. The Government Whip is shaking her head; I anticipate her reply. I would like to find out if at the Whips' meeting yesterday she knew of the other intention to sit around the clock—1.00, 2.00, 3.00, 4.00, 5.00, 6.00, 7.00 a.m.—and right through Friday, when the Government could transact its business. If it is doing that, it does not need the two hours today.

The Leader of the Government and the Deputy Leader of the Government should be true to their word and not break their word about what was intended for Thursdays when we moved private members' business to Wednesday. We heard the call that country members could go home on a Thursday at 5.00 p.m. and see their children. I believe in work-family balance. I was not against that, but I was not there to be misled or deceived by people who then hatched a separate plan and sprung it upon the crossbench with no consultation whatsoever. We had the motion from the Leader of the House.

Again the Leader of the Government shakes his head. Perhaps he can give us an account of what he promised to my office that day: that Government would close the place down at 5.00 p.m. or 6.00 p.m. on a Thursday to allow the long-suffering country members to get back home to see their kids. There will be none of that tomorrow night. Members will not see their kids. They will see only the backs of their eyelids as they try to stay awake during an all-night sitting of Parliament.

Crossbench members are not pieces of fluff sitting on the side benches to be misled and deceived about the true intentions of the Government. If the Government wants a proper, orderly working of the House, it should be on the basis of consultation and an up-front declaration of intention. It should put all the cards on the table. I would like to hear from other Whips in debate because they, too, may have a view about how that meeting proceeded yesterday. If the information we have now had been available yesterday, it would have led to a very different conclusion about the proposed two hours of Government business between 4.30 p.m. and 6.30 p.m. being included in the motion.

Generally this place runs on an element of good faith and on members being true to their word. I have raised serious issues about what the Government is up to. Given the extraordinary notice of motion to knock off the hard adjournment, I want to hear from the Leader of the Government about what happened to his intention for the conduct of business on a Thursday. All members know, or should know, what the House is about to endure and what that means for parliamentary process. Seemingly, the Government thinks it is in the best interests of New South Wales. Given that this morning a side plan was revealed to have 20 hours of Government business at the expense of members having to sit through Thursday night into Friday morning, the Whip should explain why it needs those two hours of Government business. No country or city member will be able to go home to see their kids, nor will they be able to make decent arrangements to sleep and look after their health during the last sitting week of the year.

We were anticipating that the House would sit until midnight every night this week. That is not easy, particularly for members who live on the urban fringe, but we were committed to doing that, including on Friday. That was the understanding in the Chamber—

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

The Hon. MARK LATHAM: —but the new arrangement is extraordinary and it requires explanation.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! Is another member seeking the call?

The Hon. Mark Latham: Point of order: Why was I called to order? I thought I was being relevant to the matter at hand and my contribution was not limited by time.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question before the House relates to your amendment to delete paragraph (2). I was seeking to interrupt you because it is not appropriate for you to ventilate beyond that.

The Hon. Mark Latham: I was being relevant to the topic because it is in the context—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): We might have a difference of opinion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:02:26): I make a couple of observations. First, the member was aware that we could have ameliorated the issue potentially if an agreement had been reached last night to conclude debate on the Bushfires Legislation Amendment Bill 2020. Various proposals were made about that. We could have dealt with that bill last night, in which case we would not have been seeking time for Government business today for that purpose. Secondly, the proposed motion relating to the hard adjournment tomorrow night is just that—a motion that the House will consider in due course. There is nothing unusual about that.

The possibility of it was canvassed last night. We formed the view that leave would not be granted. But in the circumstances we have given notice with a view to getting through Government business and finishing the important parliamentary work that needs to be done. If the House agrees, we will finish that Government business tomorrow night. The member may have a view about that. I was not present at the Whips' meeting and I will allow the Whip to speak about that.

During the past six months of the sittings of this House Thursdays have been Government business days. Regularly circumstances arise that prevent us dealing with Government business until after dinner on those days. In rare circumstances we would like to use the time normally allocated for private members' business, with the concurrence of members, to finish off Government business. Often on Government business days a significant amount of time is taken up by private members' business. On this rare occasion, we are seeking to use time that would normally be devoted to private members' business for finalisation of a Government bill. The Government will oppose the amendment.

The Hon. ADAM SEARLE (11:05:24): The Opposition will not support the amendment. The proposal that there be two hours of Government business today was canvassed with us. While accepting the principle that Wednesday is private members' day, given that this week is the last scheduled sitting week—albeit next week is a reserve week—in principle we saw no problem with the Government converting what would otherwise be potentially taken up with Government members' private members' business to Government business proper. Given the number of things that the House must deal with, that seemed to be a prudent measure to relieve some of the time pressure on the House. The Opposition continues to support that.

The Opposition helped to institute the hard adjournment procedure in the House, which is good for proper and orderly decision-making. The House has the potential to sit on Friday to deal with matters. Given the pressure on the House and the desire of members to properly transact business, the Opposition has an open mind about the proposal to lift the hard adjournment. I am conscious that in addition to the Electricity Infrastructure Investment Bill 2020, the House has the budget bills to consider. The Opposition will not debate the budget bills at 2.00 a.m. or 3.00 a.m.

The Hon. Mark Latham: Or the other bill?

The Hon. ADAM SEARLE: It would be one thing to lift the cap to deal with one bill—perhaps the energy bill—but that is as far as the Opposition would be prepared to go. We will continue to talk with members about those issues.

The Hon. Mark Latham: It is the most important bill.

The Hon. ADAM SEARLE: I acknowledge that interjection. It is an important bill but the House must also deal with the budget bills. Having put those matters on record, we will continue discussions with non-Government and Government members about the order of business of the House.

The Hon. NATASHA MACLAREN-JONES (11:07:42): In reply: The Whips' meeting is held at 6.30 p.m., which is during the dinner break unless the House has adjourned. At that time the Whips put forward all items from their respective parties. Similar to the Government's procedure, the Opposition and a number of the crossbench parties have an earlier meeting with their members to determine what items they will put forward. Government members were happy for that time to be allocated for debate on bills in the House.

I touch on a number of matters raised by the Opposition. That time provides an opportunity for a number of second reading debates or for the House to clear through some of that legislation, bearing in mind that, as the Leader of the House flagged, we have spent a number of Tuesdays and Thursdays, which is Government business time, debating motions put forward by the Opposition or the crossbench. We are in the final sitting week of the year so it is appropriate to allow that time.

I turn to the Hon. Mark Latham's point about the timing and the proposed motion to lift tomorrow's hard adjournment. As I said, the Whips' meeting was held at 6.30 p.m. If someone had asked me then whether we would be in Committee stage of legislation at 11.30 p.m. last night, I would have said, "Probably not." The fact is that we only commenced the Committee stage of the Bushfires Legislation Amendment Bill 2020 at 11.30 p.m.

At that time I understand the Leader of the House canvassed sitting later to get through that legislation, which was not supported. Looking to the next couple of days, the Government has come forward with options for tomorrow to get through the legislation that is before us. It is not usual practice for the Government to put forward legislation on private members' business day, but it is a matter for the Government how it chooses to use its hours, as it is for the Opposition and crossbench members. I found it quite rich that at that meeting the Hon. Mark Latham effectively threatened to introduce his own motions tomorrow to use up Government members' time. Yet again, we are in a situation where members of the House may not necessarily like the legislation before the House; that is their right, as it is the right of all members to oppose legislation. But to deliberately delay the introduction of discussion of a bill is, frankly, outrageous.

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

The House divided.

Ayes4
Noes33
Majority.....29

AYES

Banasiak
Borsak

Latham (teller)

Roberts (teller)

NOES

Amato
Boyd
Buttigieg
Cusack
D'Adam
Donnelly
Faehrmann
Fang
Faraway (teller)
Field
Franklin

Graham
Harwin
Houssos
Hurst
Jackson
Khan
Maclaren-Jones (teller)
Mallard
Martin
Mason-Cox
Mitchell

Moriarty
Moselmane
Nile
Primrose
Searle
Secord
Sharpe
Shoebridge
Taylor
Tudehope
Ward

Amendment negatived.

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

Leave granted.

The House divided.

Ayes33
 Noes4
 Majority.....29

AYES

Amato	Graham	Moriarty
Boyd	Harwin	Moselmane
Buttigieg	Houssos	Nile
Cusack	Hurst	Primrose
D'Adam	Jackson	Searle
Donnelly	Khan	Secord
Faehrmann	Maclaren-Jones (teller)	Sharpe
Fang	Mallard	Shoebridge
Farraway (teller)	Martin	Taylor
Field	Mason-Cox	Tudehope
Franklin	Mitchell	Ward

NOES

Banasiak	Latham (teller)	Roberts (teller)
Borsak		

Motion agreed to.*Bills***CRIMES (DOMESTIC AND PERSONAL VIOLENCE) AMENDMENT (COERCIVE AND CONTROLLING BEHAVIOUR) BILL 2020****First Reading****Bill introduced, and read a first time and ordered to be printed on motion by Ms Abigail Boyd.****Second Reading Speech****Ms ABIGAIL BOYD (11:25:56):** I move:

That this bill be now read a second time.

On 5 July 2018 Olga Edwards' estranged husband murdered their two children, Jack, 15, and Jennifer, 13, in a West Pennant Hills home where Olga, Jack and Jennifer had moved to escape the violent control of Olga's husband. He shot the children in their home, using 14 rounds of ammunition. Olga took her own life five months later. The Edwards' murderer had a history of domestic violence and psychological and physical assaults against the women and children in his life for over 20 years, with multiple stalking and violence allegations and apprehended violence orders [AVOs] made against him by multiple partners and by one of his adult children.

Police described him as having a history of exerting control over the women in his life and his children, engaging in stalking and menacing behaviour. Olga said that he would insist that only he cut her hair, for example, and he would regularly abuse her and her children, keeping them in a state of fear. Despite all of this, he was successful in convincing the police and justice systems that it was Olga who was being uncooperative and threatening and that she was making things up to stop him seeing his children.

On 3 March 2019 Preethi Reddy was stabbed numerous times by her ex-boyfriend in a hotel room in Sydney. Her body was stuffed in a suitcase and left in her car. At the time of her murder, Preethi—who had previously ended the long-term relationship with the man who murdered her—was in a new relationship. It is believed that her murderer, who Preethi's family and friends have described as possessive and showing controlling behaviour, could not accept that Preethi had moved on.

On 19 February of this year Hannah Clarke and her children were murdered in Brisbane by Hannah's estranged husband. He doused them with petrol and set them alight. As Hannah's brother, Nathaniel Clarke, later told the ABC, the murder of Hannah and her three children, aged three, four and six, was not quick; it was planned and it was executed to make them suffer. Hannah's family recall how, looking back, there were small things that indicated that things were wrong in their relationship. They tell of a relationship increasingly marked by her husband's controlling behaviour, one in which Hannah was forced to have sex with him every night and in which

her conversations were being tracked. Things escalated when he kidnapped one of their children at the end of last year and Hannah obtained a domestic violence order [DVO] to protect herself. He was then charged with breaching that DVO, to assault Hannah just weeks before he murdered her.

These stories will be rightfully horrifying for members of this place to hear—lives of women and their children taken suddenly, brutally, viciously; families forever altered by the incalculable loss; lives cut short not by chance or accident but by design. Members should be horrified by the fact that the stories of these three women and their families are just three relatively high-profile domestic homicides in recent years out of hundreds and hundreds on record. Members should be horrified by the fact that currently in Australia nearly one woman a week is killed by a current or former partner. Members should be horrified that despite the ongoing scourge of violence and murder of women in this country, the institutions that those of us in this place occupy—the same institutions that are elected to serve our community—continue to drag their heels and put their head in their sand as woman after woman, child after child, are murdered in cold blood by controlling, abusive and violent men.

In each of these three cases the murderers—whom I have chosen not to name—killed themselves afterwards. In each of these cases, these murderers engaged in a relatively predictable pattern of controlling, coercive behaviour that ended in murder. In each of these cases, the law failed to protect these women and children. This bill, the Crimes (Domestic and Personal Violence) Amendment (Coercive and Controlling Behaviour) Bill 2020, seeks to change the law to recognise coercive control as domestic abuse. By criminalising coercive control, we will have a fighting chance of preventing more murders like these.

When people think of domestic abuse, they tend to think of physical violence, but domestic abuse is often much more complex than that. Many victims of domestic abuse live in a constant of fear, in relationships marked by dangerous patterns of controlling behaviour. This abuse is called coercive control. Women's Safety NSW, in its position paper on criminalising coercive control dated 11 September 2020, described coercive control as follows:

Coercive control describes the use by one person of controlling and manipulative behaviours such as isolation, emotional manipulation, surveillance, psychological abuse and financial restriction against another person over a period of time for the purpose of establishing and maintaining control. In relationships characterised by coercive control, abusers use tactics of fear and intimidation to exert power over their victim, undermining their independence and self-worth. While domestic and family violence has often been conceived of as an incident-based and primarily involving physical violence, coercive control can be just as detrimental, if not more so, to victims-survivors. Coercive control is a foundational element of domestic violence, and also a major predictor of severe physical violence and homicide.

Coercive control is much broader than our existing New South Wales criminal offences of stalking and intimidation. Perpetrators of coercive control—also aptly named intimate terrorism—seek to control their victims with actual or threatened harm through a course of behaviour. Whether it is demanding that partners cut contact with their friends or family, restricting their access to money, monitoring their calls and messages or directing their day-to-day activities, these patterns of controlling behaviour are perpetrated to control another person, to remove their liberty and agency, with the intent or regardless of the harm that it causes to that person. Currently coercive control is not a separate offence or integrated into existing domestic violence offences in any State or Territory of Australia. However, if the bill passes, we will not be the first jurisdiction in the world to recognise and criminalise coercive control as domestic abuse.

The United Kingdom introduced a separate offence of coercive control in 2015 and Ireland and Scotland both introduced coercive control legislation in 2018. The Scottish Act is widely regarded by the domestic and family violence sector and by academics as the gold standard for coercive control legislation. Accordingly, it was the starting point for many provisions of the bill. My team and I have spent over 12 months working on the bill. The bill before us is the culmination of months of discussions with leading academics and researchers, with exhausted, but resilient, frontline workers, with outspoken and strident voices in the domestic and family violence sector. It is a result of numerous revisions, of countless meetings and of a deeply held belief from all who have collectively participated in its creation that we must criminalise coercive control.

I have the privilege of having two of those many individuals who have helped shape the bill here today in the Chamber—Hayley Foster, the CEO of Women's Safety NSW, and Sally Stevenson, the general manager of Illawarra Women's Health Centre. Thank you so much for the work that you do, for your contributions to the bill, to the broader campaign and for all of the time and energy you have given my team and me. I am so grateful to have you here with us today. There are countless more who have given so much of themselves in this process. I give special thanks to the contributions from Delia Donovan and Renata Field at Domestic Violence NSW, Liz Snell at Women's Legal Service NSW, Hannah Robinson and Pat O'Callaghan at the Western NSW Community Legal Centre, Gayatri Nair and Laura Bianchi at Redfern Legal Centre, Kristina Veski of the Cat Protection Society of NSW, Mardi Wilson at Griffith University and Paul McGorry at Deakin University.

I now turn to the specific provisions of the bill. The Crimes (Domestic and Personal Violence) Amendment (Coercive and Controlling Behaviour Bill) establishes a new offence of abusive control and provides for certain procedural and other protections in relation to that offence. The bill is largely modelled on the equivalent provisions introduced in Scotland in 2018. New section 14A sets out the new offence of abusive control, punishable with 10 years prison, or two years if dealt with summarily and/or 50 penalty units. These penalties are designed to reflect the severity of coercive control, recognising on the one hand the lifelong impact that coercive control can have on victims-survivors—which is often as harmful and debilitating as physical violence offences—while on the other hand, also ensuring access to justice through the local courts and acknowledging that high penalties can reduce the rates at which the offence will be prosecuted.

To establish the offence of abusive control, evidence of a course of behaviour will be required. A "course of behaviour" refers to behaviour occurring on two or more occasions. New section 14A (9) clarifies that "behaviour" includes—but is not limited to—saying or otherwise communicating something, as well as doing something, omitting to do something or asking or otherwise causing a person to do something. New section 14A (5) provides that the offence can be committed by a course of behaviour engaged wholly or partly in New South Wales or by or against a person ordinarily resident in New South Wales. Although the bill will not have retroactive effect, new section 14A (8) of the bill will allow instances of behaviour occurring prior to implementation of the bill's provisions to be considered within a course of behaviour where at least one instance of that behaviour occurs after implementation. This approach is supported by Women's Safety NSW, which states in its criminalising coercive control position paper:

Allowing retroactive application of the legislation in this way only would be a just approach, as it enables current offenders whose course of conduct has spanned long periods to be detected, without criminalising conduct that has occurred in the past but has since ceased.

For a course of behaviour to qualify for the offence of abusive control, it must be violent, menacing or intimidating. Violent behaviour can be physical, emotional or psychological. New section 14A (11) makes it clear that sexual violence is violent behaviour of the kind covered by this offence. There is a dangerous idea, still held by some in our society, that it is not possible to be sexually violent within a domestic relationship. This is wrong and that is why the bill is explicit on this point. For instance, coercing a person to engage in sexual activity or forcing sexual activity on a person against their will or without their consent is violent behaviour for the purposes of the bill. In respect of behaviour that is intimidating, "intimidation" is defined in section 7 of the Act. In respect of behaviour that is menacing, the definition of "menace" in section 249M of the Crimes Act 1900 provides guidance, paragraph (2) of which reads:

- (2) A threat against an individual does not constitute a menace unless—
 - (a) the threat would cause an individual of normal stability and courage to act unwillingly in response to the threat, or
 - (b) the threat would cause the particular individual to act unwillingly in response to the threat and the person who makes the threat is aware of the vulnerability of the particular individual to the threat.

Note that "menacing" has been used here instead of "threatening" to make clear the serious nature of the threatening behaviour covered by the provision and thereby limiting the possibility of the section being sought to be used by perpetrators against victims-survivors. Specifically, "menacing" for the purposes of the bill, should not capture conduct on the part of a parent acting protectively where they have genuine concerns for the safety of a child or vulnerable person. For a course of behaviour which is violent, menacing or intimidating to constitute an offence of abusive control, it must have or be reasonably likely to have, one of the following effects: (a) making a person dependent on, or subordinate to them; (b) isolating a person from friends, family or other sources of support; (c) controlling, regulating or monitoring a person's day-to-day activities; (d) depriving a person of, or restricting a person's, freedom of action; or (e) frightening, humiliating, degrading or punishing a person. Many behaviours will have or will be likely to have, more than one of these harmful effects on victims-survivors, but for the purposes of the offence only one needs to be established.

New section 14A (4) makes it clear that financial control may constitute abusive control. Although arguably covered under the five effects noted explicitly in the bill, the specific reference to financial abuse is included for the avoidance of doubt, as well as to send a clear signal to the community, that using violent, menacing or intimidating behaviour to exert control over another person's finances—such as preventing a person accessing their bank account or coercing them to enter into financial agreements—is behaviour of the kind considered within the offence of abusive control under the bill. New section 14A (3) clarifies that behaviour may or may be reasonably likely to have that effect on a target, even if the conduct is directed at a third person or a companion animal or other domesticated animal or the property of the target.

In line with recent amendments to the Crimes (Domestic and Personal Violence) Act, this provision recognises that a course of abusive behaviour can and often does involve behaviour in relation to third parties and animals. Animals are commonly targeted by perpetrators as part of a course of behaviour designed to control their

victim-survivor. Often this is in the form of threats to do the animal harm or to take the animal away. Just recently, we heard the story of a man from Concord who violently kicked his dog, Eiffel, to cause his ex-partner psychological distress. Animals are also often used in more subtle ways by perpetrators of coercive control, for example, in the course of gaslighting, with perpetrators opening doors and windows for animals to escape and then blaming victim-survivors for leaving them open.

Note that the reference here to "other domesticated animal" rather than just "companion animal" as defined in the Companion Animals Act 1998 makes it clear that an animal other than a cat or dog, such as a horse or a mouse, can be targeted by perpetrators in the course of domestic abuse. Under this provision, the animal in question also does not need to be owned by the victim-survivor or be ordinarily resident in the home. We know that perpetrators can use threats of harm against a neighbour's dog, for example, or threaten to poison neighbourhood birds as a means of exercising control over victim-survivors. Also common is for perpetrators to use threats of violence on the family and friends of the victim-survivor or to destroy cherished items. While no specific mention is made of electronic evidence, note that recordings, photos, texts, social media posts and the like may be used as evidence to establish this offence. Further, a single source of evidence may be used to prove the offence.

For the course of behaviour to fall within the offence, the perpetrator must intend to cause or be reckless as to whether the course of behaviour causes the victim-survivor to suffer physical, emotional or psychological harm, including fear, alarm or distress. Further, it will need to be established that a reasonable person would consider the course of behaviour to be likely to cause that harm. In line with the Scottish legislation, an objective standard of proof—the "reasonable person" test—has been included to assess whether the offender intended to cause harm or was reckless as to whether their behaviour was likely to cause harm. By referring to intent rather than knowledge, as is used in the UK legislation, a subjective element is retained in the test. By focusing on intent to harm, the bill recognises that at the core of coercive control is the desire of the perpetrator to instil fear and exert power over their target. The explicit reference in the bill to emotional or psychological harm, including fear, alarm or distress, reflects the fact that domestic violence relationships are characterised by fear and that often physical violence is not the most harmful aspect of a perpetrator's course of behaviour.

Unlike the Scottish legislation, which refers only to psychological harm, the addition of the word "emotional" in this bill is used to avoid a restrictive interpretation of "psychological" and to make it clear that the harm does not need to cause or contribute to a recognisable psychological disorder or behaviour that is out of the bounds of what is considered usual. Rather, fear, alarm or distress could be considered as predominantly emotional harm, whereas the well-documented trauma resulting from coercive control behaviours may more appropriately be considered as psychological—whether or not a recognised psychological disorder. Note that there is no requirement to prove that the behaviour has actually inflicted harm. This is in contrast to the UK legislation, which focuses not on the intent of the perpetrator but on the impact of the behaviour on the victim-survivor. The UK approach would require an examination of the victim-survivor's response to domestic violence—they are required to prove in court that they suffered fear or distress—instead of focusing on the inherently harmful nature of the perpetrator's behaviour.

Besides the dangerous message that such an approach can send—that domestic violence depends upon how a victim-survivor responds to behaviour and not on the actions of the perpetrator—it also makes the offence far too hard to detect and prosecute, which may account for the relatively low number of offences charged under the UK coercive control provisions. Victim-survivors should not have to feel fearful in order to seek the protection of our justice system. They should not be required to react to their experience of domestic abuse in a way that others think demonstrates that they feel fear, alarm or distress according to some preconceived idea of how victims should behave. The emphasis should rightly be on the conduct of the offender and identifying their abusive behaviours. Finally, including this objective standard of proof in the bill will protect victim-survivors from being misidentified as an aggressor in domestic violence matters. As Women's Safety NSW notes in its position paper:

Opponents of criminalising coercive control have voiced concerns that an expanded definition of domestic violence may have the unintended consequence of drawing more women into the criminal justice system as alleged perpetrators of coercive control. There is some concern that true perpetrators of domestic abuse may take advantage of sexist stereotypes about women being deceitful or emotionally manipulative, and misconstrue their partners as being coercive and controlling when withholding parental visitation due to valid safety concerns. It is argued that this would result in women being wrongfully prosecuted as offenders under coercive control legislation. However, the incorporation of an objective 'reasonable person' test when assessing the impact of an alleged offender's actions, would effectively mitigate the risk of this occurring, as this kind of behaviour would not be assessed as likely to cause genuine harm or fear. In this way, an objective standard of proof acts as a safeguard against offenders who may attempt to manipulate this legislation to falsely implicate their victim.

It is no surprise then that, as Women's Safety NSW has reported, the objective test contained in the bill and modelled on the Scottish legislation, which focuses on behaviour that a reasonable person would think likely to be harmful, is preferred by 80 per cent of the frontline domestic violence specialists it surveyed, along with 65 per cent of members of the public and 63 per cent of victim-survivors. I note that the UK legislation

provides a defence—but not in the case of causing the target to fear that violence will be used against them—if the accused shows that they believed they were acting in the target's best interests or that the behaviour was in all the circumstances reasonable; however, this defence is provided in the context of a very different set of offence provisions. In light of the offence in section 14A of this bill including an objective test, which the UK legislation does not have, it is not felt necessary for this bill to include any such defence provision.

I note that the coercive control bill put forward in the other place, as well as the Scottish legislation, provide for the offence to be considered as "aggravated" if a child is witness to an incident of abusive conduct. However, in the context of domestic abuse that may encompass a variety of different forms of violence in which children themselves are likely also to be victim-survivors of coercive control. Given the ability of a judge or magistrate to take into account the involvement of and effect on children in sentencing, there appears to be limited utility in a provision which signals that perhaps a more overt form of coercive control is more serious than are other forms. For this reason, the bill does not include a provision requiring tougher penalties where a child is witness to the course of behaviour. I will now mention just a few other notable provisions of the bill before detailing the other reforms required for this bill to achieve its policy objectives. Section 14A (6) and (7) provide for a rebuttable presumption that the accused person and the target are or have been in a domestic relationship.

Put simply, behaviour that has met all elements of the offence should result in a finding of an offence of abusive control and should not be excused on the basis of a technicality arising from the definition of "domestic relationship" under section 5 of the Crimes (Domestic and Personal Violence) Act, which in any event is currently drafted extremely broadly and would be highly unlikely to provide any wriggle room for an offender under these new provisions. Accordingly, the complainant and the court's time should not be wasted arguing over whether or not a domestic relationship exists for the purposes of proving this offence. The broad definition of "domestic relationship" and the presumption provided in new section 14A (6) of the bill may result in some overlap in relation to a particular instance of behaviour that would otherwise fall within the stalking or intimidation offence set out in section 13 of the Act. However, in circumstances where there is evidence of a course of behaviour where the elements of the new abusive control offence are likely to be met, prosecution for that behaviour should be brought under new section 14A of the bill and not section 13 of the Act. That said, a prosecution can be made under section 13 of the Act as well as under new section 14A of the bill, if applicable.

New section 14B provides for a review of the new provisions introduced by the bill to occur three years after implementation to ensure that they are achieving their policy objectives. Annual data collection by the NSW Bureau of Crime Statistics and Research will be required to facilitate this review, which will need to be properly resourced. The bill also amends section 40 (5) of the Act to require an interim apprehended violence order to be made against the accused person for the protection of the target. Schedule 2.1 to the bill inserts a new section 25AB into the Crimes (Sentencing Procedure) Act that requires the court to have regard, when sentencing an offender, to the trauma of abusive control as well as the risk of the victim being subjected to further abusive control offences by the offender. Schedule 2.2 makes a number of amendments to the Criminal Procedure Act 1986 to treat the abusive control offence in the same way as a prescribed sexual offence for certain procedural purposes.

There are no quick fixes here. This bill is just the beginning of a lengthy process of cultural change in the community, the Parliament and the legal system and judiciary. There are concerns about the criminalisation of coercive control. Many of these concerns can be addressed by the process that should follow the introduction of this bill. Like the bill itself, we can be guided by what has occurred overseas, particularly in Scotland. Part of the reason the Scottish Act has been successful is due to the awareness campaign that was launched with the bill. The Scottish campaign sought to increase the public's understanding of domestic abuse, the wide range of behaviour that can constitute coercive control and domestic abuse, and to encourage victims to seek help. The Joint Select Committee on Coercive Control, which was recently established by the Attorney General, will help raise awareness and bring stakeholders together to outline their needs and concerns. Media campaigns like that currently run by Are Media are also helping to raise awareness and so are families like the Reddys and the Clarkes through the telling of their stories, despite the pain that causes. I acknowledge their courage.

We need to keep this momentum going, using the unique capacity that we have in this place to then also inquire into the specific provisions of the bill. This will continue to keep the focus on coercive control and allow everyone to come together to design the best possible version of a coercive control bill while also hearing what we will need to make it an effective piece of legislation. This legislation needs the time and space for peaceful and constructive discussion. We can provide that.

Public education is essential. As Kate Fitzgibbon, Silke Meyer and Sandra Walklate state in *The Conversation*, the domestic violence sector understands coercive control but the community does not yet. Nor do people understand how to respond. We must make sure that this bill is accompanied by a broad, well-funded and well-researched public education campaign. Coercive control robs victims of their sense of self, their perspective

and their agency. A public education campaign is one way to help them see the truth of their circumstances, to help friends and families recognise patterns of abuse that their loved ones may be experiencing and to give victim-survivors the language that they may need to seek protection and support.

It is also a means of confronting the myths and archaic misconceptions about power dynamics and abuse in families and intimate relationships, including the ludicrous idea that physical and sexual abuse are more damaging, frightening or serious than is emotional or psychological abuse. This is long overdue, but education cannot stop with the public. We know that we are currently failing victim-survivors who report domestic violence. We already know that we need to upskill police and other first responders, including paramedics and hospital staff. The passing of this bill will bring that problem into even starker focus.

The police need to know what to look for when attending reports of domestic violence. They need to know how to identify the primary abuser, how to identify coercive and controlling behaviours and how to elicit the right information from the victim-survivor. They must learn to better assess the abuse in context, not as isolated incidents. Police must be able to gather evidence of a pattern of behaviours that are often subtle, need not be physical and are frequently unwitnessed. This will require training, funding, support and review. Scotland provided close to \$2 million to Police Scotland for more than 14,000 police officers and support staff to receive training on their new Act. Police Scotland also developed online training for its 22,000 staff. The Scottish Parliament called for clear policies on how the new offence would be enforced, review of these policies in the light of experience, and ongoing reviews of funding. It was a radical change for policing and one of which they are justifiably proud.

This new offence will also be a challenge for the legal system. Both the judiciary and the police have insufficient specialist training and education on domestic violence, especially coercive controlling behaviours and other forms of non-physical abuse. Whether someone can get the protection that they need in a court is currently luck of the draw and depends on the magistrate overseeing the case. This must be rectified for all forms of domestic abuse. Training for all levels of the judiciary is vital and must be compulsory to be of full benefit. That means prosecutors, judicial officers, care and protection workers, family law practitioners, lawyers and court clinicians. The Scottish experience shows us that coercive control is likely to be a resource-intensive offence. Cases are likely to be complex. Legal Aid and the Women's Domestic Violence Court Advocacy Service must be adequately funded to deal with the new cases that this change will bring. Those seeking justice should be assured that they will be treated consistently and with compassion and expertise regardless of who hears their case and regardless of their financial means or postcode.

Last week when debating amendments to the Stronger Communities Legislation Amendment (Domestic Violence) Bill 2020 we heard that funding, court access, court capacity and even the age of the court building can impact on a victim-survivor's experience of justice. The Government must prioritise funding. It is not an exaggeration to say that lives depend on it. That brings me to the next piece of the puzzle. Women's Safety NSW CEO Hayley Foster, who is here with us today, has stated that it will be crucial to ensure that the system is ready to cope with the new laws. That will require reskilling of frontline workers. The frontline domestic violence sector is chronically under-resourced. Victim-survivors and their children need support, but we must stop using cost as an excuse to ignore domestic violence.

We cannot sit in this place and wring our hands about the loss of life, the impact on children, the abuse of animals and the dreadful tragedy that is domestic abuse while continuing to dribble out crumbs of funding to the sector. If we are genuine about fixing this problem then we must put serious funding into supporting victim-survivors. There is simply no other option. We must listen to the sector and allocate funding based on their recommendations. We must ensure that there is sufficient funding for advocacy services, crisis accommodation, social housing, counselling and support services. Victim-survivors, who are mostly women, must be given the support and protection that they need at the most dangerous time in an abusive relationship: when they try to leave.

We know from both the Scottish and Irish experiences of criminalising coercive control that it will be ineffective without the necessary resources to accompany the legislation, which is why the date of commencement of this bill is a full year following assent. This 12-month window will allow training and education to occur before the bill becomes law so that everyone—the community, the police, the judiciary and the sector—is ready to go. We must go beyond good legislation and back it up with the funding to effect real and lasting change. I believe that we can make that real and lasting change in this place. With members across a number of different parties both here and in the other Chamber working together—many of whom are here in the Chamber today—we can do this.

I will finish with a quote from Jess Hill. Her groundbreaking book *See What You Made Me Do* opened my eyes and those of so many others—in this place and in other jurisdictions around Australia—to what exactly we

are looking at when we and those that we know are or have been subjected to this systematic psychological and emotional abuse, which seeks to control us and deprive us of our liberty and autonomy. She said:

I can't think of another type of behaviour that literally can be classified as torture, and is used in other contexts like torture, that we define as legally permissible ... We have always perceived physical violence to be the most severe expression of domestic abuse ...

But most victims will say the physical violence was not the worst part they experienced—it was the coercive control.

She also said:

The process needs to be lengthy—it needs to take in all the relevant expertise, both from the victim and the professional side ...

We need to make sure we get the legislation right and that the details and every word in that is exactly right. Doing something on the fly is just not going to cut it. [But] it's what you do once the law has been passed that changes culture.

Criminalising coercive control will not wipe out domestic abuse. Only drastic cultural change can do that. But a real commitment to resourcing, community education, training and education of the police and judiciary, and sufficient funding for crisis and support services, can end the abuse for many people who currently live in fear. I commend the bill to the House.

Debate adjourned.

Documents

PARRAMATTA LIGHT RAIL

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 937 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (11:58:22): 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 relating to Stage 2 of the Parramatta Light Rail project:

- (a) the following documents in the possession, custody or control of the Premier, Department of Premier and Cabinet, the Treasurer, the Treasury, the Minister for Transport and Roads, Infrastructure NSW, or Transport for NSW:
 - (i) all documents created since 1 January 2016 regarding any decision not to proceed with Stage 2 of the Parramatta Light Rail project, or to proceed
 - (ii) all documents relating to any study into the use of trackless trams as an alternative to Stage 2 of the Parramatta Light Rail project;
 - (iii) all documents created since 1 July 2014 regarding the acquisition of and the remediation of any land on Grand Avenue, Camellia for the Parramatta Light Rail project;
 - (iv) all final business cases for the Parramatta Light Rail Project, Stage 1 and Stage 2;
 - (v) all documents provided since 1 November 2019 to the Transport for NSW Audit and Risk Committee and the Transport for NSW Finance and Investment Assurance Committee regarding the Parramatta Light Rail project;
 - (vi) all meeting papers and meeting minutes since 1 November 2019 of the Transport for NSW Audit and Risk Committee and the Transport for NSW Finance and Investment Assurance Committee regarding the Parramatta Light Rail project; and
 - (vii) all reports created since 1 November 2019 which provide project updates for the Parramatta Light Rail project.
- (b) all documents, including draft documents, created since 1 November 2019, in the possession, custody or control of the Minister for Transport and Roads regarding Stage 2 of the Parramatta Light Rail Project;
- (c) all documents, including draft documents, created since 1 November 2019, in the possession; custody or control of the Secretary of Transport for NSW, or any Deputy Secretary, regarding Stage 2 of the Parramatta Light Rail Project; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion relates to the acquisition of 4/6 Grand Avenue, Camellia; it equally relates to the wider issues of stage two of the Parramatta Light Rail. This is the second call for papers under Standing Order 52 that I have moved in respect of that particular project. It is timely in the wake of a budget that makes no funding allocation for stage two of the Parramatta Light Rail project, despite clear commitments at two successive elections by this Government that that project would be built.

It is therefore important that this House scrutinise the Government's conduct in this matter. It is also appropriate that this House scrutinise how taxpayers came to pay three times market value for a parcel of toxic land, having accepted liability for cleaning it up. That liability is already above \$52.5 million and estimates say

that the clean-up could cost anywhere between \$100 million and \$700 million. The toxic site is riddled with asbestos, arsenic and hydrocarbons, which are cancer-creating carcinogens. That land neighbours Parramatta River and tens of thousands of citizens. We know that because a report that the Government has had for five years was leaked. The report says that the toxins are seeping into Parramatta River. It is appropriate that we know precisely how the Government has managed that risk and, equally, how it came to own those properties. I will continue to make the case on that basis.

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

Questions Without Notice

SCHOOL INFRASTRUCTURE

The Hon. ADAM SEARLE (12:00:17): I direct my question to the Minister for Education and Early Childhood Learning. Yesterday's New South Wales Budget Paper No. 2, *Infrastructure Statement*, revealed that 91 school building projects that were promised by the Government do not have start dates and project budgets, including for Glenwood High School, the new school near the Tallawong Precinct in Schofields and the new school at Mulgoa Rise in Glenmore Park. When will those 91 communities see construction begin?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:00:49): I thank the Leader of the Opposition for his question in relation to yesterday's budget papers and the schools that are being built by our Government. That is an interesting question, because Opposition members often talk in public about ghost schools; that is the terminology that they have used. But when you look at the figures, by January this year the Government had opened 24 new or upgraded school projects. A Labor audit said that there were 116 delayed schools, in June that figure was 100, days later it was 99, yesterday the shadow Treasurer said there were 100 schools, a spokesperson for education said that 91 schools were promised and then there was also a reference to 47 projects that were not allocated funding in this year's budget.

A lot of different numbers are going around. When we talk about numbers, I am very proud of our track record when it comes to delivering school infrastructure. The proof is in the delivery. Forty-two new and upgraded schools were delivered last year and 50 new and upgraded schools were delivered in 2020. In fact, on Monday Kevin Anderson and I opened the Tamworth Public School, the fiftieth project for 2020. In relation to the budget papers that the Hon. Adam Searle has asked about, and as I have said in the House before, the Government goes through a process when it builds schools: Plans are made, they go out to tender, they are constructed and then they are opened.

The Hon. Walt Secord: You close them.

The Hon. SARAH MITCHELL: If you want to talk about closing schools, how many did you close? We have opened more schools in the past two years than Labor closed. I should not respond to interjections because that is disorderly.

The Hon. Trevor Khan: Point of order: A serious question was asked by the Leader of the Opposition, yet Opposition members, including the Deputy Leader of the Opposition, interrupted the Minister while she attempted to answer the question. Those members should be called to order.

The PRESIDENT: I uphold the point of order. I counted 11 interjections from members of the Opposition. I was about to call members of the Opposition to order before the Hon. Trevor Khan took a point of order. Opposition members will not receive another warning.

The Hon. SARAH MITCHELL: As I was saying, as with any building program, there is a process of planning, contracting and tendering. Sometimes there are complexities and commercial sensitivities relating to that, which affects the numbers that the Government is able to put in the budget paper. When projects move to those stages of completion, the Government can and does print the numbers. Members will see that if they look at the budget papers from previous years. I will mention three of the schools that the member referenced in his question. I think I have them all, but I am happy to receive a supplementary question if I did not. I can advise the House that Glenwood High School is in the planning stage.

The request for the secretary's environmental assessment requirements [SEARs] for Mulgoa Rise, which is a new primary school, is due by the end of 2020. The site for the new primary school at Tallawong was confirmed in July, the request for the SEARs was made in August and the Government expects to commence contract engagement by the end of 2020. That is what happens when you build schools: You go through a process. The Government is able to provide those figures when there are no commercial sensitivities. As we have seen, that is when they appear in the budget papers.

The Hon. ADAM SEARLE (12:04:42): I ask a supplementary question. Will the Minister elucidate on her part of the answer where she talked about the way in which school projects are procured along with the tenders and the plans? Will the Minister indicate to the House when the plans in respect of the 91 schools, not just the three that have been referred to, will be implemented?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:05:08): I answered that question quite well in my earlier answer. I will credit myself if no-one else will. This is a tough crowd. I cannot remember what I was going to say. As I have said, the Government goes through a process with schools when they move from planning into construction. When you look at previous budget papers, they move through the list as we build them. That is what happens. If the member has any questions about those 91 schools, three of which he listed in his question and on which I was able to provide an update, I am happy to go into specifics on specific school projects.

The Hon. COURTNEY HOUSSOS (12:05:48): I ask a second supplementary question. Will the education Minister elucidate on the part of her answer where she talked about planning, tendering and construction? Will the Minister guarantee that construction will begin on all 91 schools before the next election?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:06:06): As I have said with regard to the figure of 91 schools, first it was 100, then it was 91 and as of yesterday it was 47, according to the shadow Minister, so there are lots of different numbers floating around.

The PRESIDENT: I call the Hon. Penny Sharpe to order for the first time. I call the Hon. Walt Secord to order for the first time. I do not know what part of my warning they did not understand.

The Hon. Walt Secord: Point of order: The President is mistaken. I was writing a note.

The PRESIDENT: The Hon. Walt Secord interjected before the Hon. Penny Sharpe.

The Hon. Walt Secord: I am sorry, but I was writing quietly.

The PRESIDENT: The Chair should always accept what a member says, so I withdraw the call to order.

The Hon. SARAH MITCHELL: I will be brief. As I have said, the Government is proud of its track record of delivery on school infrastructure. If members want to talk numbers, those numbers speak for themselves. There were 42 new and upgraded schools last year and there have been 50 new and upgraded schools so far this year. The Government has a good track record when it comes to delivery. Communities see schools being built in their areas, they see upgrades at schools happening all the time and the Government stands by its record.

INDIGENOUS EDUCATION

The Hon. SHAYNE MALLARD (12:07:35): I address my question to the Aboriginal affairs Minister. Will the Minister update the House on action that has been taken to support better education outcomes for Aboriginal people?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:07:57): I certainly can. Two great initiatives have been funded in the budget and both will be very valuable in terms of helping to close the gap. I am pleased to advise that in this year's budget the Government has announced a grant of \$8 million over two years to the Australian Indigenous Education Foundation [AIEF] to provide scholarships to young Aboriginal people to complete their education. That investment will support the Australian Indigenous Education Foundation to continue providing life-changing scholarships to Aboriginal young people and their families across New South Wales. It is expected to fund some 300 school places.

The program, which was established in 2008, enables Indigenous students to pursue their education at leading Australian boarding schools and universities. Students are supported by the program to gain a quality education in culturally inclusive environments. The program seeks to address community-led demand to give Aboriginal families choice concerning their children's education. The AIEF is backed by some of Australia's most influential business and community leaders, as well as by the Federal Government. The AIEF has built a scholarship fund that currently supports 400 secondary and tertiary scholars each year and continues to support a network of over 600 graduates. As members of the House know, development through education goes a long way to ensure young people can fulfil their potential and gain employment and prosperity. This program supporting scholarships complements the renewed partnership agreement with the NSW Aboriginal Education Consultative Group [AECG] and our relationship with the NSW Coalition of Aboriginal Peak Organisations.

Led by the NSW AECG, Pirru Thangkurray delivers culturally grounded, practical and responsive support to Aboriginal students in years 8 to 12. The program has engaged 210 students across 18 schools, building their self-esteem, self-confidence, cultural identity, sense of wellbeing, and realising their academic potential and career

aspirations. Aboriginal Learning and Engagement Centres are running in 18 secondary schools to improve student engagement, attendance, retention and HSC attainment. During 2020 significant progress has been made on the delivery of Aboriginal language and culture teaching to Aboriginal and non-Aboriginal students through Aboriginal Language and Culture Nests growing from 38 schools in 2019 to 99 today, which is all good work and good news.

GOVERNMENT PROCUREMENT POLICY

The Hon. PENNY SHARPE (12:11:00): My question is directed to the Minister for Finance and Small Business. Given the new intercity train fleets will be sourced from overseas, will the Minister provide to the House all manufacturing projects over the period of the forward estimates that the Government proposes to procure from overseas?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:11:26): Wasn't it a great budget? I am sure those opposite spent a lot of time last night looking at all the wonderful things being done by the Government to make sure it is looking after the people of the State. This is fundamentally a budget about people. The Government fundamentally has people at the heart of everything it does. That is why the focus of—

The PRESIDENT: The Minister will resume his seat. As I have indicated before, it must say something that even with my lack of hearing I can continually hear interjections. One interjection is followed by someone in front with an interjection followed by someone in front of them. That passing of the baton in a relay is not going to help. If there is one more interjection from the back of the Chamber I will call all three members to order.

The Hon. DAMIEN TUDEHOPE: The Government is trying to ensure that there are jobs in every family, that people are working and that people who have lost their jobs because of the pandemic are getting a job. Whatever the Government does has that in mind. The question is specifically aimed at what the procurement policy is. Procurement relates to every contract entered into by the New South Wales Government. A number of basic principles apply to the way the Government does its procurement policy work. It starts with asking whether we are getting value for money for the taxpayer; whether we are getting fair and open competition; whether it is designed to make sure that it is easy to do business; and, of course, whether there is economic development and participation, including local involvement where possible. I say "where possible" because New South Wales has lots of obligations under international agreements. We are people of Australia as well as of New South Wales. The Commonwealth Government enters into agreements and we have obligations in relation to those agreements. While I appreciate the—

The PRESIDENT: I call the Hon. Rose Jackson order for the first time. She made a good attempt at a whisper but I heard it.

The Hon. DAMIEN TUDEHOPE: I make one more point. One of the big priorities of the Government is the manner in which it is managing procurement policy in the State to assist small business. Hopefully, I will get an opportunity to return to this shortly. Procurement policy is designed to assist small business by getting small businesses in New South Wales a better cut of the procurement pie.

The Hon. PENNY SHARPE (12:15:08): I ask a supplementary question. Will the Minister elucidate his answer by explaining which projects set out in this budget in the forward estimates will be procured from overseas? The Minister has talked a lot about procurement policy, but I need an elucidation around the specifics of the things he said in his answer were so great in the budget.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:15:41): I thank the Deputy Leader of the Opposition for her question. In many ways it displays a fundamental misunderstanding of the way that Government operates in this space. The nature of procurement for agencies is a devolved model. In fact, the way it works is that if we are buying a train it is the transport Minister who brings a case to the Expenditure Review Committee. Adopting the guidelines set out by the Procurement Board will make out that case to get the best possible outcomes for the people of New South Wales. In looking at the budget papers and identifying all those great projects that we are doing—whether it is in transport, health or education—we can see that there is a commitment by the Government to engage in \$107 billion worth of projected infrastructure development to the people of this State. It has impacts not only—

The Hon. Penny Sharpe: So why can't you tell us how many jobs will be done here?

The Hon. Bronnie Taylor: Point of order: I refer to the constant interjecting coming from the table when everyone else is quiet. The Hon. Penny Sharpe has already been called to order for flouting your previous ruling.

The PRESIDENT: I uphold the point of order. I call the Hon. Penny Sharpe to order for the second time.

The Hon. DAMIEN TUDEHOPE: Every agency in delivering those projects for the Government and abiding by procurement guidelines is under an obligation to get the best value for the people of New South Wales. Part of getting the best value for the people of New South Wales is in the procurement of those jobs. Earlier I referred to economic development and participation, including local involvement. There is an absolute commitment by the Government to create jobs and improve the lives of the people of this State.

The Hon. DANIEL MOOKHEY (12:18:12): I ask a second supplementary question. Will the Minister elucidate that part of his answer when he makes reference to the Procurement Board guidelines? Can he confirm that the Procurement Board has not issued any guidelines that would require agencies to source contracts from Australian suppliers or create Australian jobs?

The Hon. Sam Faraway: Point of order: That is a new question.

The Hon. Daniel Mookhey: To the point of order: I am surprised that the Hon. Sam Faraway has not displayed knowledge of Mr President's three tests. If he had knowledge of Mr President's three tests he would know that a supplementary question must, first, relate to the original question, which it clearly does. Secondly, it has to arise from the Minister's answer. My question specifically arises from his answer to the Hon. Penny Sharpe's supplementary question; he made three references to the Procurement Board's guidelines. Thirdly, it has to ask for a specific elucidation, which it clearly does in asking for confirmation that the guidelines do not ask or set any form of job target of requirement for Australian suppliers. The question should be ruled in order.

The PRESIDENT: There is no point of order. The Minister has the call.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:19:32): It is an interesting question and it surprises me that the member asked it. Labor has drafted a bill called "Jobs for New South Wales".

The Hon. Don Harwin: That's my scheme.

The Hon. DAMIEN TUDEHOPE: Or "New South Wales Jobs". At any rate, whatever it is, Labor has drafted the bill because it wants all the focus on—

The Hon. Penny Sharpe: Point of order: The Minister's answer is about a bill that has nothing to do with the question asked by the Hon. Daniel Mookhey. He is not being directly relevant.

The Hon. DAMIEN TUDEHOPE: To the point of order: It is directly relevant because it will go to the notion of whether, and the extent to which, local jobs are being targeted in the manner the member raised in his question.

The PRESIDENT: There is no point of order. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: It is interesting because when one goes through the bill that Labor drafted—guess what? We have to source the jobs from—

The Hon. Daniel Mookhey: Point of order—

The Hon. DAMIEN TUDEHOPE: You don't want to hear this, do you?

The PRESIDENT: The Minister will resume his seat.

The Hon. Penny Sharpe: Yes, we do, actually.

The Hon. DAMIEN TUDEHOPE: Good.

The Hon. Daniel Mookhey: Point of order: I am eager to hear the Minister directly answer my question, which is whether or not he can confirm that his Procurement Board has issued no guidelines that would require agencies to use Australian suppliers and create Australian jobs. That is the question I directly asked. I do not understand the Minister's digression into a bill that is not yet in front of the House when he could be answering my question directly.

The PRESIDENT: I am assuming that the Minister will link to it and be directly relevant. I suggest he do so very quickly.

The Hon. DAMIEN TUDEHOPE: Quite right, Mr President. From where does Labor want to source the jobs—Australia or New Zealand? That is how Labor has drafted the bill. We are going to ship the jobs off to New Zealand. Labor has drafted its bill so that we have to source jobs from New Zealand. What an appalling problem it has. The procurement policy for Labor is that we source jobs from New Zealand. Really?

The Hon. Daniel Mookhey: Point of order: On a point of indulgence, I did give the Minister 30 seconds to flog us with that wet lettuce but I would like him to answer the question. Do his guidelines set a requirement to

create Australian jobs? It would be helpful if he could use his remaining 30 seconds to confirm that his agency does not provide any such target.

The Hon. Mark Buttigieg: Just say the truth.

The PRESIDENT: I call the Hon. Mark Buttigieg to order for the first time. He should not interject when one of his colleagues is taking a point of order; it is incredibly rude. The Minister should be directly relevant.

The Hon. DAMIEN TUDEHOPE: In many respects I join the Deputy Leader of the Government in saying that there is an element of groundhog day in relation to this because I did answer that question. Fundamentally, the New South Wales Government is committed, through the guidelines issued by the Procurement Board—starting at its first and foremost premise—to get the best value for the people of New South Wales. In relation to that it is creating jobs. [*Time expired.*]

POINT TO POINT TRANSPORT HARDSHIP FUND

The Hon. MARK BANASIAK (12:23:34): My question without notice is directed to the Hon. Don Harwin, representing the Minister for Transport and Roads. It was revealed by the Minister's own departmental representatives in the recent point to point inquiry that \$100 million from the hardship fund for taxi plate licence holders remains unspent. The panel adjudicating the applications realised the criteria were too exclusionary. It did nothing to adjust that and that fund is now closed. It was also revealed that the purpose of the Sue Baker-Finch inquiry was to try to figure out what to do with the unspent funds. Given that it is relisted in the budget with no clear details as to how it will be spent, where was that \$100 million while taxidriviers were sent further to the wall during COVID and what is the detailed planned use for the cost-saving achieved by the Minister's previous under-delivery?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:24:16): I thank the Hon. Mark Banasiak for his question, which is clearly directed to me in my capacity representing the Minister for Transport and Roads. It has some very specific questions about a policy matter which he advised is referred to in the budget. I will be happy to refer the question to the Minister for Transport and Roads and obtain an answer for the member.

STATE BUDGET AND EDUCATION

The Hon. WES FANG (12:24:52): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on the New South Wales Government's commitment to supporting student learning through the New South Wales budget?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:25:10): Last week I was thrilled to join the Premier and the Treasurer to announce that, for the first time in New South Wales, students will receive free tutoring in 2021, thanks to a landmark \$337 million investment in the New South Wales 2020-21 budget. We know that 2020 has been a year like no other, with seven weeks of remote learning due to COVID-19 coming on top of bushfires and floods. This initiative will provide students across the State with targeted, intensive tuition during 2021. Not only is this commitment securing the future of our students' education but also it is creating up to 5,500 additional positions across the State.

Funding is being provided through the program to ensure that every public school student can access small group tuition across every New South Wales Government primary, secondary and central school, as well as schools for specific purposes. The New South Wales Government is also investing \$31 million for non-government schools with the most significant levels of need to ensure that no student is left behind. The program, which will be delivered by qualified educators to ensure that learning support is of the highest quality, will begin in term one in 2021 and run throughout the school year. It will include temporary, casual and retired teachers or those who have recently stopped working in the profession, as well as final year teacher education students. University tutors and PhD students with appropriate qualifications who are already teaching undergraduate courses can also be employed for secondary school specialisations.

The aim of the targeted tuition program is to ensure that students' core skills, such as literacy and numeracy, remain on track despite COVID and other disruptions. Learning for many students stagnated during the pandemic and research shows that small group tuition is an effective way to help students, whose learning has slipped, to catch up. The program is designed to have maximum impact on student outcomes through explicit and systematic instruction that is linked to classroom learning objectives. The department will work closely with schools to provide guidance and resources to support the integration of small group intensive support into their learning programs. The department will also consult with key stakeholder groups, including teachers and principals associations, to ensure that school leaders get the support they need to implement the program and minimise any administrative burden on schools.

The department will develop bespoke models of support to ensure that our rural and remote schools can access the expert additional staff members they need to implement the program successfully. This intensive learning support program is just one initiative in the Government's commitment to ensure that students have access to the highest quality education, no matter where they live or what their circumstances may be. It will provide unprecedented employment opportunities for qualified teachers and university tutors who may be short on work. I am delighted to say that more than 7,000 educators have already submitted an expression of interest in being part of the program. Last week we had the opportunity to meet two of them, retired principal Judy Keller and casual teacher Adam Martin, who highlighted the benefits that the commitment would provide not only for student learning but also for additional employment.

NEW SOUTH WALES-VICTORIA BORDER CLOSURE

The Hon. ROBERT BORSAK (12:28:23): My question without notice is directed to the Hon. Don Harwin, representing the Premier. What direct support has the Premier's Government provided to families divided and traumatised by the New South Wales-Victoria border closure? Does the Premier accept responsibility for the fact that many people were unable to see their dying parent for the last time due to delays in NSW Health approving their border permit? What is the Premier's Government doing to ensure urgent border permit requests are granted promptly in the event of future border closures with other States?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:28:52): I thank the Hon. Robert Borsak for his important question. It is one that I know the Premier has thought about very deeply. She has spoken to the member for Albury—who has been a strong advocate for his community in raising those concerns with her—and many other community leaders from the south and south-west of the State in relation to those issues; indeed, they are issues that arose not just on the Victorian border but also on other borders which were closed for a time.

The Premier is very much of the view that we should not close the border and that we should keep the borders open. I am relieved that we have reached a position with Victoria and South Australia—two of our bordering States. It is very regrettable that the Queensland Government continues to take an illogical position. Today is State of Origin day. No New South Wales spectators will be at the ground tonight in Brisbane. However, Victorians will be. Thank goodness we have a Premier like Gladys Berejiklian who is respected for her work as leader of the State during the COVID-19 pandemic. I make that brief latitudinal observation. The Hon. Robert Borsak has raised issues that are of particular distress to a number of residents of southern New South Wales. Frankly, others in northern New South Wales have experienced the same distress in relation to the Queensland border.

The Hon. Robert Borsak: Point of order: My point of order is relevance. The Minister is not being directly relevant. The second part of my question was: What is the Premier's Government doing to ensure urgent border permit requests are granted promptly in the event of future border closures with other States? The Minister is not addressing that at all.

The Hon. DON HARWIN: To the point of order: I acknowledged that I had made some other observations. I assure the honourable member that I was returning directly to the particular point he has just made.

The PRESIDENT: The Minister may continue.

The Hon. DON HARWIN: I am happy to convey to the Premier the point raised for the second time by the Hon. Robert Borsak in his point of order and to obtain an answer for the honourable member as quickly as possible.

LAND TAX

The Hon. WALT SECORD (12:31:56): My question without notice is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. Given that this morning Treasurer Dominic Perrottet confirmed on Sydney radio that the Government's land tax proposal will apply to farmland, what is the Minister's response to community concerns expressed by farmers today that it should remain exempt under section 10AA of the Land Tax Management Act 1956?

The Hon. Don Harwin: Point of order: That question should be directed to, and will be answered by, the Minister for Finance and Small Business, representing the Treasurer.

The Hon. Walt Secord: To the point of order: Under the standing orders, members are entitled to direct a question to anyone of their choosing, especially if the question relates to that member's portfolio. If the Leader of the Government knows that the Minister for Mental Health, Regional Youth and Women is unable to answer my question, that is another matter.

The Hon. Don Harwin: To the point of order: Ministers are to be asked questions about matters to which they are officially connected, which includes their portfolio responsibilities. The member's question is about stamp duty and land tax. Therefore, the question should be directed to the Minister for Finance and Small Business in his capacity as administrator of the Office of State Revenue or as representative of the Treasurer on Treasury's policy matters. Nothing in the question indicated that it should be answered by the Minister for Mental Health, Regional Youth and Women in her own right or on behalf of any of the Ministers whom she represents in the Chamber. The honourable member contends that he is entitled to ask the question of anyone he chooses. That is not the case and therefore it is out of order.

The Hon. Walt Secord: Further to the point of order: I never thought I would see the day when the agriculture Minister and the person representing him in this place would dispute that a reference to "farmland" and "farmers" does not relate to agriculture.

The Hon. Don Harwin: Further to the point of order: The Minister for Mental Health, Regional Youth and Women did not say that. The member has made two attempts to reflect upon the Hon. Bronnie Taylor. His conduct is disorderly and ought to be noted.

The Hon. Penny Sharpe: That is a debating point.

The Hon. Don Harwin: No. In fact, he made the debating point by slurring a member of the House.

The Hon. Adam Searle: Point of order: The Minister is being disorderly by addressing his comments across the table, rather than through the Chair.

The PRESIDENT: Does the Hon. Walt Secord want to talk to the point of order?

The Hon. Walt Secord: I was going to take an objection to the slur on my motivation perpetuated by the Leader of the Government. At no point did I make any disparaging remarks.

The Hon. Sarah Mitchell: Yes, you did. You said she could not answer it.

The Hon. Walt Secord: I said that the Leader of the Government's interpretation was that the Minister was unable to answer it. I was imputing motives to him.

The Hon. Don Harwin: That's rubbish. We will see the transcript tomorrow.

The Hon. Walt Secord: I was imputing motives to you. You believe she cannot answer the question.

The Hon. Don Harwin: Rubbish! I never thought that.

The Hon. Walt Secord: I am defending you, Bronnie.

The Hon. Don Harwin: I think Bronnie knows the truth about that, Walt.

The Hon. Walt Secord: I am sorry that he does not have confidence in you.

The Hon. Bronnie Taylor: I think you should be quiet, Walt.

The Hon. Mark Latham: What about the mental health consequences of paying tax?

The Hon. Walt Secord: You can ask that.

The PRESIDENT: Standing Order 64 (1) states:

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

As honourable members know, the four Ministers in this House also represent Ministers in the other House. Notice of that has been given to the House and the House is aware of it. Rulings made in 2000 and 2001 by then President Burgmann state:

It is in order for the Leader of the Government to answer any question that is directed to Ministers.

In my view that would also apply to the Leader of the House. Then President Burgmann's 2003 ruling states:

It has been the practice for many years in this House that the Leader of the Government may answer any question.

Given that the question relates to the administration of the Treasurer, it is a matter for the Leader of the House as to whether he wishes to answer it.

The Hon. WALT SECORD: To assist the Minister, may I reread the question?

The PRESIDENT: Yes, it is an excellent idea to reread the question for the benefit of the Leader of the House.

The Hon. WALT SECORD: Given that this morning Treasurer Dominic Perrottet confirmed on Sydney radio that the Government's land tax proposal will apply to farmland, what is the Minister's response to community concerns expressed by farmers today that it should remain exempt under section 10AA of the Land Tax Management Act 1956?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:38:20): I thank the member for his question. In fact, it is surprising that the Treasurer needed to elucidate that on Sydney radio because the *NSW Budget 2020-2021 Consultation Paper* clearly states:

Similarly, farmland currently generates a significant amount of stamp duty, and property tax rates could be designed to preserve this revenue.

The paper continues:

Finally, property tax rates for commercial properties—

So there is no hiding from the fact that farmland attracts stamp duty. It is fundamental to the whole discussion that we start from the premise that that is a consultation paper. Every commentator I have heard this morning is favourable to the need for tax reform. It is a fundamental step for the tax reform that the State so badly needs. Let us have the discussion so that those who have concerns can raise them.

To the member's question, if someone buys a farm tomorrow, they will pay stamp duty. There is an opportunity for people to pay the lump sum or, alternatively, transfer that lump sum to a 0.3 per cent property tax going forward instead of the liability for stamp duty they may have had. A person can make that choice when they purchase the property. Whether it be farmland, a commercial unit or a house, the purchase of property brings with it stamp duty. The section on which the member relies does not relate to an exemption for stamp duty; it relates to a primary production exemption for farmers.

It is a confusion to say that we should get an exemption because we get a primary production exemption for land tax. I agree, but this is not land tax in the notion of commercial property that produces income; it is property tax that is a replacement for stamp duty. We want to have that discussion. Yesterday the member was prepared to bet the farm, so to speak, that we would never go through with the reform. Well, I ask the shadow Treasurer to join with this side of the House in reforming a fundamental way that we raise revenue on behalf of the citizens of New South Wales, which the State so badly needs. Let us get away from archaic stamp duty proposals and move to new forms of revenue.

The Hon. WALT SECORD (12:41:25): I ask a supplementary question. Will the Minister elucidate his answer on why the Deputy Premier and The Nationals were unaware that land tax would apply to farmland, and will he consult with them?

The Hon. Sarah Mitchell: Point of order: I put it that it is a new question.

The Hon. Walt Secord: To the point of order: The Minister indicated that he was willing to answer the question before the Deputy Leader of the Government took the point of order.

The Hon. Sarah Mitchell: Further to the point of order: He said that when I was already taking the point of order.

The Hon. Walt Secord: Further to the point of order: There is the concession from the Deputy Leader of the Government that he was willing to answer the question and she knows that he was willing to answer the question. Therefore, she should allow him to answer the question.

The Hon. Don Harwin: To the point of order: The Deputy Leader of the Government is right. No part of the standing orders says that a Minister may agree to answer a question that is out of order.

The PRESIDENT: Correct.

The Hon. Don Harwin: If the question is out of order, it is out of order. The Deputy Leader of the Government has taken a point of order.

The Hon. Walt Secord: Further to the point of order: There have been many occasions when the Leader of the Government has indicated to the Chamber that he was willing to answer a question that was out of order.

The Hon. Don Harwin: Just because I do that does not make it right. I make that observation based on my understanding of the standing orders.

The PRESIDENT: I have heard enough, thank you. Let me make it very clear: It is a matter for the Chair. Past rulings are clear that if a question is asked and a point of order is taken, then the Chair will determine whether the question is in order. The same applies to supplementary questions. The only time the Chair can no longer

entertain a point of order, or rule on a point of order that a question is out of order, is if the Minister commences to answer the question. The Minister did not in any way commence to answer the question. A point of order was taken at the appropriate time by the Deputy Leader of the Government and I uphold it. It was a new question and does not tick all three boxes, as the Hon. Daniel Mookhey so brilliantly put it only half an hour ago. The supplementary question is out of order.

STATE BUDGET AND WOMEN

The Hon. TREVOR KHAN (12:44:29): My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister outline how the 2020-21 budget supports women and girls in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:44:49): I thank the honourable member for his question. The Government is committed to supporting women and girls in New South Wales to achieve their full potential. Although there has been substantial progress in women's economic security in recent years, the COVID-19 pandemic has had a significant impact on all aspects of life in New South Wales. The number of unemployed women increased from 88,700 in March to 132,309 in September 2020. I am thrilled to announce that women across New South Wales will be able to access grants of up to \$5,000 through the Government's new \$10 million Return to Work program as part of the 2020-21 budget. Many costs are involved in re-entering the workforce and it is great that women looking to return to work will be able to use the Return to Work grants towards training and education, textbooks, technology and transport. The grants can be used for child care, including before and after school care, which will help mothers overcome some of the biggest barriers to getting back into work.

Evidence clearly demonstrates that child care is key to women being able to work. Women who have been out of work for at least one month and are intending to return to work within six months of receiving a grant are eligible to apply. Eligible recipients will work with a Service NSW return-to-work coordinator to develop a return-to-work plan, which will set out the resources that will assist them back into the workforce. I encourage women from all walks of life—and I ask all members in the Chamber to encourage women—to apply for those grants and use that springboard to jump back into their former career or possibly start a new one. The Government is committing a further \$400,000 to the Investing in Women funding program. The Government will also continue to recognise and celebrate the contribution of women by continuing to support the NSW Women of the Year Awards. The Return to Work program is just one of the many great initiatives in the budget that are targeted at helping women get back to work.

Other fantastic initiatives include \$57.4 million for the Trades Skills Pathway Centre, which focuses on getting women into trades. I commend the Hon. Dr Geoff Lee for working on it because it will be a great program with terrific results. We also have a \$120 million extension to the free preschool program. I am pleased that the Hon. Sarah Mitchell, the Minister for Education and Early Childhood Learning, is in the Chamber because she understands how important that is. If we can provide affordable child care to women it will enhance their opportunities for work and, therefore, the opportunity for economic independence. Some \$17 million will go towards helping women with hyperemesis gravidarum, a severe form of morning sickness that can be extremely debilitating. I welcome the significant investment into this often overlooked issue.

CULTURAL INSTITUTIONS

Ms CATE FAEHRMANN (12:48:00): My question without notice is directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. This summer it is likely that Sydneysiders and domestic visitors will explore the city's many wonderful museums and galleries like never before. Yet the Art Gallery of New South Wales, along with many others, closes at 5.00 p.m. each day. With the Government undertaking its 24-hour economy strategy, what is being done to ensure that our State's cultural institutions are open to the public in the evening by this summer, which will also create more jobs in the arts industry?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:48:39): I am happy to be asked that question relating to cultural institutions by Ms Cate Faehrmann because it is an area of specific attention. It is quite extraordinary how many things are being done in terms of restart this summer. The Art Gallery and other cultural institutions have specific programs. Rather than giving an answer with only some of the details, which I do not have in front of me, I will get a comprehensive answer and give it to the honourable member either at the end of question time—although I note that is not far away—

The PRESIDENT: I call the Hon. John Graham to order for the first time for his third interjection.

The Hon. DON HARWIN: —or at the earliest possible opportunity. The Art Gallery has been operating the very successful Art After Hours program for quite a long time on Wednesday nights and it is very popular, but there are plans for additional openings. I will get those details for the member.

FINES REVENUE

The Hon. JOHN GRAHAM (12:50:17): My question is directed to the Minister for Finance and Small Business. Given that the New South Wales Government fines revenue is forecast to rise from \$651 million this year to \$864 million next year—an increase of more than 32 per cent—why does the Government continue to use motorists and cyclists to prop up the budget?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:50:47): In relation to fines, my children use the text and voice messaging app WhatsApp and there was a bit of commentary flowing between them last night. One of my children asked, "What is in the budget for me?" Another one asked, "Are you doing anything about fines?" My response was, "Pay them", because this is a child who never pays fines.

The PRESIDENT: Name him or her.

The Hon. DAMIEN TUDEHOPE: I will not tell you her name because after a lot of cajoling she always does pay her fine. Fines, fees, interest and other revenues are expected to make up about 4 per cent of revenue for the Government under the budget. Total revenue from fines, registration fees, licence fees and other revenue is forecast to be \$3 billion in 2021.

The Hon. Walt Secord: It's worse than you said.

The Hon. John Graham: It's worse than the tolls.

The PRESIDENT: The Minister should ignore the interjections and wait until I call the members to order. If the Minister responds to the interjections I cannot call the members to order.

The Hon. Greg Donnelly: Be brave.

The Hon. DAMIEN TUDEHOPE: I am being brave. I just want to reinforce the position that fines revenue is forecast to rise from \$651 million to more than \$3 billion.

The Hon. John Graham: It's fines-o-mania.

The Hon. DAMIEN TUDEHOPE: What I suggest the member should be encouraging people to do is, rather than being concerned about fines rising—

The Hon. Shayne Mallard: Drive safer.

The Hon. DAMIEN TUDEHOPE: —is to drive safer. If the question had been, "Are you encouraging people to obey the law?" there is a very simple answer to that question: "Yes, we are." We are encouraging people to obey the law, and if cyclists or motorists are not obeying the law the member should join with me and with those on this side of the House in saying that the fines regime is to protect the people of New South Wales.

The Hon. Penny Sharpe: And we are happy to have an extra 200 million bucks.

The PRESIDENT: I remind the Hon. Penny Sharpe that she is on two calls to order. I would feel terrible if I had to throw her out of the Chamber.

The Hon. DAMIEN TUDEHOPE: So we make no apology for the fact that we do impose fines.

The Hon. JOHN GRAHAM (12:54:00): I ask a supplementary question. Will the Minister elucidate that part of his answer which was about—

The Hon. DAMIEN TUDEHOPE: My daughter?

The Hon. John Graham: I strongly discourage you from elucidating that part, but about people following the law, which is strongly agreed across the Chamber? Is the Government not undermining confidence in the road safety system, though, because this is seen to be simply revenue raising?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:54:35): I thank the member for the supplementary question because it gives me an opportunity to return to the amendments that we made to the Fines Act only last year, which I think the member was quite instrumental in promoting, where we, in fact, take a significant approach to reducing the burden of fines on those who can least afford them and on those who are most vulnerable in the community. If fines are going up, and there is a suggestion that during the pandemic some people were disobeying the road rules in a way that they had not done before, in those circumstances we should concentrate much more on a program to ensure that people are obeying the law.

We make no apology for the fact that people are fined for breaching the law. We are happy, as part of the fines regime, to be the most tolerant and compassionate of revenue departments in the world, but first and foremost, our primary obligation is to protect the citizens of this State. Driving a motor vehicle in New South Wales is a privilege and we should respect that privilege. We should ensure that in exercising our rights and duties when we are in control of a motor car that we do so in a way that acknowledges the rights and obligations of other road users. I reject entirely that fines are just revenue raising. We say that the collection of revenue by way of fines is necessary to protect the citizens of this State and that the Government does have a compassionate side when it comes to the collection of fines.

The Hon. WALT SECORD (12:56:35): I ask a second supplementary question. Will the Minister elucidate his answer where he referred to cyclists? How much of the \$864 million comes from cycling offences?

The Hon. Damien Tudehope: Point of order: That is a new question. The amount raised from cyclists was not part of the first question and does not arise from my response.

The Hon. John Graham: To the point of order: Just to assist, it certainly was part of the original question.

The Hon. Walt Secord: And to assist, in the second answer he referred specifically to cyclists.

The PRESIDENT: The question was, "Why does the Government continue to use motorists and cyclists to prop up the budget?" I will allow the supplementary question.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:57:38): Cyclists are road users. There is a regime that applies to them; they do not get a free pass because they are cyclists. To the extent that cyclists have obligations to other road users, including to other cyclists, it strikes me as odd that it is suggested that we should not be imposing fines on cyclists who do not obey road rules. The road rules are there for the protection of us all. It goes to the fundamental premise of this question that there is a reluctance by those opposite to acknowledge the fact that we have an obligation to create road rules and to enforce those road rules, and to the extent that they bring with them fines, we make no apology for that.

STATE BUDGET AND SMALL BUSINESS

The Hon. SAM FARRAWAY (12:59:00): My question is directed to the Minister for Finance and Small Business. How is the New South Wales Government helping small businesses to access a bigger share of government procurement to support more local jobs through measures in the 2020-21 budget?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:59:20): I like this question because it arises out of the first question from the Deputy Leader of the Opposition earlier today about procurement policy. While those opposite want to talk down the New South Wales budget and our plan to set up this State for a strong prosperous post-pandemic economy, we on this side are getting on with the job. Whether it is payroll tax cuts, \$1,500 vouchers—and I recall the duplicitous question I was asked about that yesterday—or more funding for Business Connect, we are focused on reducing the burden for small businesses and giving them the best chance to get ahead.

When it comes to more opportunities for small businesses one area of focus in this budget is more access to government procurement work. The New South Wales Government spends more than \$40 billion each year on the procurement of goods and services and construction, with \$16.1 billion—nearly half of that amount—going to small- and medium-sized businesses located in New South Wales in 2019-20. I think we can do better. Many small businesses have told me that they are not aware of the opportunities that exist or are unfamiliar with the New South Wales Government tendering processes. That is why in this fantastic budget we are delivering \$5 million to establish a tendering support service for New South Wales small- and medium-sized enterprises, which will help create local jobs and support economic recovery in New South Wales.

The Small Business Commission will develop targeted information to assist small businesses to put their best proposals forward to New South Wales Government agencies for the supply of goods and services and construction. This support will also include tailored workshops for small businesses, providing practical tips and assistance in preparing tenders. For some small- and medium-sized enterprises, it is hard to know where to start and this measure will provide practical support and assistance. That is another step towards making it easier to do business in New South Wales. In addition, last month we established the buy.nsw Supplier hub as a single digital service that makes it easier for businesses to register to sell to government and manage their information, as well as to view opportunities to supply to the New South Wales Government.

It always amazes me that people everywhere do not know the opportunities of purchasing from the New South Wales Government. This is a significant opportunity by small business to get a cut of that pie. It always sticks with me that when I went to Coffs Harbour a local supplier of stationery said, "Why does the local hospital

get its procurement done in Sydney?" There is no answer to that. This policy will aim to give opportunities for those small businesses. [*Time expired.*]

The Hon. DON HARWIN: If honourable members have further questions, I suggest they put them on the notice.

Supplementary Questions for Written Answers

LAND TAX

The Hon. WALT SECORD (13:02:41): My supplementary question for written answer is directed to the Minister for Finance and Small Business, representing the Treasurer. Would the Minister provide the dates and meeting dates of when the Deputy Premier and National Party Ministers and National Party parliamentary secretaries were consulted on the proposed land tax plan relating to farmland?

The Hon. Damien Tudehope: Point of order: I do not know how this question arises out of any answer that I have given.

The PRESIDENT: It is a supplementary question, so it needs to tick the three boxes and I need it to connect to part of the answer. Can the honourable member identify the part of the answer that it connects to? The supplementary question is out of order.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. WALT SECORD: I move:

That the House take note of answers to questions.

STATE BUDGET

LAND TAX

The Hon. WALT SECORD (13:03:58): As the shadow Treasurer I take note of answers in question time by Ministers relating to the budget delivered by Treasurer Dominic Perrottet yesterday, especially answers relating to stamp duty, land tax, farms, economy and jobs. This morning the New South Wales Treasurer told morning radio that he and the finance Minister were embarking on the biggest reform to taxation in New South Wales in half a century. That is a significant claim. He also said this morning that land tax would apply to farms. That was news to the Deputy Premier. In this Chamber it was either the National Party did not know or refused to represent rural and regional families. The Minister representing the Minister for Agriculture and Western New South Wales had to be shielded by the Leader of the Government, the Hon. Don Harwin, because it was quite clear that under—

The Hon. Don Harwin: Point of order: The honourable member is yet again clearly reflecting on the Hon. Bronnie Taylor and he is out of order.

The PRESIDENT: I remind members that the take-note debate is not an opportunity to reflect on any member from either House.

The Hon. WALT SECORD: In another part of question time the Minister for Finance and Small Business said, "The budget is about families." He is right. This budget is about families and it is built on the back of families. They are paying tolls, which go up 4 per cent a year, built on privatisations, despite the Premier going to the last election and saying there would be no more privatisations. The budget is also built on selling schools, merging schools and closing schools.

The Hon. Catherine Cusack: Point of order: The take-note debate is not an opportunity to give a budget reply speech. It needs to respond to answers given to questions—

The Hon. WALT SECORD: The answer—

The Hon. Catherine Cusack: Excuse me.

The PRESIDENT: Order! I have heard enough. I do not want to take the member's time. There is no point of order. The member was being relevant to not only the answer given but also the topic of the question asked.

The Hon. WALT SECORD: In fact, the first question we answered. It is also built on the back of wage cuts to nurses and teachers. The Government said that this is the largest single reform in half a century but its plan is raising more questions than it answers. I still remember Mike Baird 10 years ago saying that they were going to embark on this. There are many questions the Government has to answer about this. Yesterday there was

confusion. "Would it apply to farmland for the first time?" Today we find out it would. The Treasurer said that it would be an opt-in plan, but once you opt-in, you are in the land tax system forever. He was asked this morning, "In fact, if you opt-in, are you in forever?" So yes, it is. It just gets murkier and murkier. The more information that comes to light, the less we know. Whenever questions get difficult, the Treasurer says, "This is a consultation. This is a consultation process." That is what he hides behind.

INDIGENOUS EDUCATION

The Hon. SHAYNE MALLARD (13:07:11): I take note of the answer the Hon. Don Harwin, Aboriginal affairs Minister, gave in response to my one and only question today. That question was in regard to the \$8 million that the budget has put in place over two years for the Australian Indigenous Education Foundation for scholarships for young Aboriginal people. In a bipartisan and non-partisan way in this House we all welcome that. It is a great initiative. One of the most important ways for anybody to advance their life, lifestyle and future is the opportunity they get from education. We encourage young Aboriginal people to continue their school education through support for this scholarship fund.

Over two years the scholarship fund will support approximately 400 secondary and tertiary scholars, and continue to support over 600 who have already been through that program and it is expected to fund some 300 school year places. I take the opportunity to talk about the new Closing the Gap program with 16 key targets. The Federal Government, Aboriginal leadership communities, the State Government and local government have all signed up to achieve those and three deal with education. We have a responsibility in this State to ensure Closing the Gap works. It has not worked effectively and our efforts need to be doubled, which this investment goes towards. By 2031 we aim to increase Aboriginal and Torres Strait Islander Peoples attaining year 12 to 96 per cent and tertiary qualifications to 70 per cent.

I speak from some experience. My sister is a single mother. My niece Ashley—and I have spoken in this House before about this—is a proud Aboriginal woman from the Wentworth shire down in the Murray. She grew up in Dubbo and attained a scholarship at Kinross Wolaroi School, Orange. I am sure that the Hon. Sam Faraway knows Kinross very well. It was a private scholarship, not one from the Government; nonetheless, the opportunities it unlocked were incredible. It led my niece to graduate. Some of her more troubled colleagues had very careful management counselling. They were mainly Aboriginal girls. My niece is now at Duntroon college studying law and as an Aboriginal woman is an Army officer in training. That is just one small example of the education opportunities that can come from scholarships. I strongly support the scholarships and congratulate the Minister and Government for doing that. It moves a little towards the Closing the Gap aspirations that we all support.

GOVERNMENT PROCUREMENT POLICY

The Hon. DANIEL MOOKHEY (13:10:20): I take note of the answer given by the Minister for Finance and Small Business to the excellent question posed by the Deputy Leader of the Opposition on government procurement. She asked a pertinent question that many Australian small businesses and many people who work for them would like an answer to—that is, whether or not this Government is setting a target in its spending for Australian or New South Wales content that can create jobs in the State.

I was disappointed that, in response to a clear question from the Deputy Leader of the Opposition, we had a bureaucratic answer from the Minister in which he managed to recite an outline of how the Procurement Board works and what their guidelines are without actually knowing the guidelines themselves. If the Minister was being accurate in his answer, he would have confirmed that the Procurement Board that answers to him, and that he leads, has set no such targets for any agency to have to use any form of New South Wales or Australian supply that could create jobs in the State. That is disappointing to the tens of thousands of people today looking for work.

We on the Opposition side of the House have a very basic principle: If a dollar can be spent in our local economy to create a local job, it should be. We reject the proposition that somehow New South Wales business and workers are uncompetitive and to use them is to obtain a poor result for New South Wales taxpayers. It is an insult to those businesses to imply that they are uncompetitive and, if they were putting in a bid, that would lead to a lower result for taxpayers. The proof of the pudding is in the eating. The Deputy Leader of the Opposition made one specific reference to the Intercity Fleet trains. The Government decided to build this Intercity Fleet in South Korea. That decision—to build in South Korea and not at the UGL Rail plant in the Hunter, and to outsource that project—has cost taxpayers far more than if they had been built at UGL.

It has cost hundreds of workers their jobs. As a result of that decision, that factory has shut down. Some 300 to 400 workers are out of a job. What is the result for taxpayers? A more expensive train that does not fit the tracks, which was built in South Korea at the expense of jobs that could have been created in the Hunter. We ask these questions because they have real consequences for people. When this Government fails to issue such a

guidance to its agencies, the agencies offshore get the work. It costs New South Wales businesses and costs workers their jobs. If this 10-year-old Government was prepared to look at its own record, it would be embarrassed.

STATE BUDGET AND SMALL BUSINESS

NEW SOUTH WALES-VICTORIA BORDER CLOSURE

The Hon. SAM FARRAWAY (13:13:26): I take note of the answer given by the Minister for Finance and Small Business to my question about support in the 2020-2021 budget for small businesses in New South Wales to access larger shares of State Government procurement. It was good to hear that of the total \$40 billion spent in 2019-20 on goods, services and construction with suppliers identified as small- and medium-sized enterprises, \$16.6 billion was spent with more than 51,000 small and medium businesses located in New South Wales. The Minister's answer pointed to the ways this success will be built on moving forward. Another \$5 million will establish a tendering support service for New South Wales small and medium businesses, which will help to create local jobs and support the State's economic recovery.

The NSW Small Business Commission is well placed to reach out to small businesses with targeted information and support to assist them to put their best proposals forward to New South Wales Government agencies for the supply of goods, services and construction. As the Minister outlined in his answer, this support will include tailored workshops for small businesses, providing practical tips and assistance on preparing tenders. Being able to help them in that process is important for small businesses that want to be able to supply to Government and become accredited in the goods and services that they wish to supply. The buy.nsw Supplier Hub, which will be a single digital service that makes it easier for businesses to register to sell to Government and manage their information, went live last month. This is all happening. This is a big step forward for small businesses that do want to engage. The new dashboard allows businesses to update their information, edit their profile and view their opportunities in a single place. This ease of doing business with the Government is important for all small to medium businesses across the State.

I will also touch on a question posed by another member of the House around the border community support and the obvious tie-in with small businesses. It is important to note that \$10,000 grants were available for small businesses in border communities. Grants worth \$3,000 were available for reopening, while \$5,000 to \$10,000 grants were also offered for small businesses on the southern border. This is important because the question was pointed towards the southern border. There definitely has been support there—a total of \$750 million. I congratulate the Government on supporting small businesses during this time.

SCHOOL INFRASTRUCTURE

The Hon. COURTNEY HOUSSOS (13:16:34): Today the Opposition asked questions about the construction of schools promised to local communities in the lead-up to last year's election. In her answer, the Minister for Education and Early Childhood Learning wanted to quibble about the numbers. Was it 100 or 91? Most importantly, she refused to commit to commencing construction before the next election. We accept that the Minister said that it takes time to plan projects and to do these things properly. But it is not unreasonable for a local community to expect, if a school is promised at an election, that the construction will commence before the next election. There will be a shovel in the ground or something to show that this school is actually being delivered as promised. In this year's budget the Government actually went further and devised new categories to disguise a lack of action. It has come up with this new "advanced planning and assurance review".

This is just one more sleight of hand from this Government to disguise the lack of progress on these key election commitments. The Minister noted that we have taken to calling these "ghost schools". These new categories do nothing to convince the community that these are more than just slogans and catchphrases. We will continue to ask questions on this important matter. I certainly hope that the planning process is improved as the Government plans these new schools. Its recent track record shows that one side of the Government does not know what the other is doing. We have more than 100 public schools with more than 10 demountables. This is not a case of temporary backfilling. New schools immediately need demountables within their first years of operation. Let me give the House some examples. Wentworth Point Public School has five demountables. It has only been in operation for three years. The local community was promised a 1,000-student-capacity school. When it opened, it was just 416.

The PRESIDENT: The Hon. Shayne Mallard will cease interjecting.

The Hon. COURTNEY HOUSSOS: Now 20 per cent of the playground is taken up by demountables. I note that the school has gone into the electorate of Parramatta on the new draft boundaries released by the Electoral Commission. It will be interesting to see what the people of Wentworth Point have to say about the cutting of Parramatta Light Rail stage two and the failure to deliver what they were promised at Wentworth Point

Public School. Let me give two more examples. Just five years after the Riverbank Public School opened at The Ponds, there are 42 demountables on site.

There are 1,700 students onsite, which is more than 900 over their enrolment cap. At Oran Park Public School there are 1,594 students, which is more than 500 over capacity. There are 27 demountables onsite just six years after it opened. One part of the Liberal-Nationals Government is approving developments, but it is not building the schools to accommodate them. *[Time expired.]*

SCHOOL INFRASTRUCTURE

STATE BUDGET AND EDUCATION

The Hon. WES FANG (13:19:43): I take note of the answers from the Minister for Education and Early Childhood Learning. It is obvious that she has got under the skin of those opposite. They were asking lots of questions.

The Hon. Penny Sharpe: It is question time.

The PRESIDENT: I remind the Hon. Penny Sharpe that she is on two calls to order. The Hon. Wes Fang has the call.

The Hon. WES FANG: Opposition members were asking many questions and the Minister is so full bottle on the answers. But she seemed to get under the skin of the Opposition when she pointed out how many schools Labor had closed in its time, and that we have opened just as many schools in two years. It is obvious from the take-note contribution of the Hon. Courtney Houssos that she did not want to address that part of the Minister's answer.

The Hon. Walt Secord: Point of order: Under the standing orders, this debate is to take note of answers to questions. It is not to take note of the take-note debate.

The PRESIDENT: There is no point of order. I do not want to take the member's time. The Hon. Walt Secord knows better than that.

The Hon. WES FANG: It is pretty clear that the Hon. Sarah Mitchell is getting under the skin of the Hon. Walt Secord as well, which is why he is taking irrelevant points of order. I note that the Minister also talked about tutoring for New South Wales students. This New South Wales Government budget will deliver free tutoring to every public school in 2021—as well as non-government schools that need it the most—to ensure that no student is left behind. Up to 5,500 intensive support teachers will be employed to support up to 290,000 students across the State. There will be tailored learning support to improve educational outcomes for remote learning. We are calling for qualified educators from across the State—from retired and casual teachers to teaching students and PhD university teachers—to be part of this historic effort.

The PRESIDENT: Order! I call the Hon. Penny Sharpe to order for the third time. In accordance with Standing Order 192, I direct the Usher of the Black Rod to remove the Hon. Penny Sharpe from the Chamber. The member is excluded until 3.00 p.m. today.

[Pursuant to standing order the Hon. Penny Sharpe left the Chamber, accompanied by the Usher of the Black Rod.]

The Hon. WES FANG: In the brief time remaining, I note that the Minister is providing very detailed responses to the questions from those opposite. I invite them to reflect on what they did in education in their time in power and to perhaps acknowledge the Minister's fantastic work with the Education portfolio.

FINES REVENUE

The Hon. JOHN GRAHAM (13:22:58): I take note of the answer from the Minister for Finance and Small Business in relation to the question that I asked him about fines revenue. I thought that parts of the Minister's answer were very good. I 100 per cent agree with the case that he was putting to the House—that people should obey the road laws of the State.

The PRESIDENT: I call the Hon. Catherine Cusack to order for the first time.

The Hon. JOHN GRAHAM: I welcome the fact that the Minister put that case strongly, and that is bipartisan ground. What the Minister missed in his answer is that this is starting to be a real issue for average commuters and drivers across the State. The rising cost of fines and tolls is starting to reach breaking point for them. That is the point at which I was upset with where the Minister started to head. It should not be the case when a driver makes a mistake that receiving a fine is the difference between being able or unable to pay the bills and pay for food. For some people in Sydney and in New South Wales, the truth is that it is. That issue is made

worse by the fact that those fines are going up so dramatically: more than 32 per cent this year. I want to put the increases in this year's budget on the record. In 2019-20, the figure was \$596 million. It rose to \$651 million in 2021 and then up to \$864 million and \$868 million in the following years. In 2023-24, it was \$864 million.

They are substantial increases and they are having an impact. I would take the Minister's claim more seriously if the Government was not ignoring road safety and ignoring collecting the points while collecting five times the fine from some corporate drivers who claim not to know who the driver is. The current Premier always said when she dealt with this legislation that there is no excuse for not knowing who is driving a car. We find out that thousands of excuses are being made. No-one is losing points and dangerous drivers are on the road, but the money is flowing into Revenue NSW. The money in these budget figures dramatically undermines the case that the Minister wants to make about road safety. He would be on much safer bipartisan ground if he stuck to where he started. He should acknowledge that we need to tighten up those laws, but also acknowledge that for some people opening that envelope and getting a fine in the mail is a devastating start to the week or the month. They know that they will not be able to pay for the other things that they need to.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. CATHERINE CUSACK (13:26:15): I begin by congratulating Government Ministers on the outstanding responses they have given in question time today and the focus that has been placed particularly in Government members' questions on the wonderful budget that was delivered by our Treasurer yesterday. It is being acclaimed firstly because of the resilience of our State's finances over recent years. That has allowed our Treasurer to put forward a package that seeks to focus on jobs and that plans for 270,000 people whose jobs have been impacted by the COVID crisis to be put back to work by 2024. I note that the Hon. Don Harwin commented on how many Restart NSW projects are underway. They are referred to in the budget yesterday in this massive infrastructure pipeline. It sees spending on New South Wales public transport alone exceeding the combined budget of all capital works in any State in Australia. The size of this is remarkable, and so is the fact that the State has taken that step of going into debt. We have a plan not only for jobs but also to restore the finances over the next four to five years.

Meanwhile the Opposition focused on issues that we have all been on the edge of our seats about: procurement policy details, whether the Government should be allowed to answer a question that is out of order and revenue from traffic fines including from cyclists who disobey road laws. In response to the Hon. John Graham I make the point that the Government has been taking great steps to improve road safety; for example, collecting revenue from people fined for speeding in school zones and dealing with those camera offences that were very opaque. There has been a crackdown on companies that are allegedly unable to identify which employee was driving a car. All of those different steps are being taken. While those opposite welcome the fact that people are being held accountable for breaking the law, the idea that there is another category of people out there who have just made a mistake draws a very opaque line between who we should and should not fine. It would be interesting to have some more detail about that. I thank Ministers again and congratulate the Government on its budget. I am reminded one more time why this political party is on this side of the House.

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

Motion agreed to.

Written Answers to Supplementary Questions

STATE BUDGET AND SMALL BUSINESS

In reply to **the Hon. WALT SECORD** (17 November 2020).

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

The 2020/21 NSW Budget is focused on creating and supporting jobs through targeted stimulus measures, billions of dollars for infrastructure and maintenance and tax cuts for businesses. It also contains record health funding to keep New South Wales communities safe.

As part of these measures, the New South Wales budget includes \$472 million over two years for digital vouchers worth \$1,500 which can be used by small businesses who do not pay payroll tax towards the cost of government fees and charges.

The vouchers will be accessible through Service NSW from April 2021 to 30 June 2022.

An \$80 million program of fee and license waivers to assist small businesses during the COVID-19 pandemic was announced in March 2020. The fee waivers under this program run until the end of March 2020.

It is estimated that the first \$142 million worth of \$1,500 vouchers will be taken up by small businesses in the three months from April to June 2021 as annual licenses and fees become due.

Around 393,000 small businesses are expected to be eligible for the scheme, with varying levels of fees and charges paid across different industries.

The vouchers can be used to cover New South Wales and local government fees and charges, and could include for example:

- Food authority licences
- Liquor licences
- Tradesperson licences
- Vehicle registrations for business vehicles
- Outdoor dining fees

No specific modelling was carried out on the impact of the \$1,500 digital voucher program on potential bankruptcy, which is caused by multiple factors.

The \$1,500 digital program is just one element in the support for small business in the 2020/21 NSW Budget including \$39.3 million over four years for Business Connect.

Business Connect has assisted more than 10,000 small businesses since March 2020 with expert advice allowing many to survive the challenges of drought, bushfire and the COVID-19 pandemic.

DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

In reply to **the Hon. MARK LATHAM** (17 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 employment of Public Service Senior Executives is a matter for the relevant department, in this case the Department of Planning, Industry and Environment.

Accordingly, I have sought advice from the department on the matters raised and I am advised: that Mr Hay made all necessary declarations about his interests prior to his employment with the department, as required under the department's *Code of Ethics and Conduct*.

I am also advised that the department determined that Mr Hay's declared interests did not present any conflict of interest for the department or for Mr Hay in carrying out his role as Deputy Secretary, Energy, Climate Change and Sustainability.

I am further advised that Mr Hay does not retain any business or personal interests or directorships that would benefit from the New South Wales Government's energy policy.

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

Private Members' Statements

PIG FARMING

The Hon. EMMA HURST (15:01:05): In 1995 *Babe* graced our screens and stole our hearts. So much so that when the movie was released the sale of pig meat products dropped by 25 per cent in the United States. The human star of that film, James Cromwell, who played Farmer Hoggett, chose to go vegan during the film. He said:

I cared about their welfare and then, of course, you have lunch and it's all there in front of you, and I thought, I should go the whole hog, so to speak.

Of course, many pigs like Babe are being farmed in the New South Wales animal agribusiness industry. Many of those pigs are in sow stalls, which are small metal cages in which sows can barely take a step forward or backward, let alone turn around. Sows live—if it can be called living—in that tiny, squalid space after being forcibly mated or artificially inseminated. Sows cannot move, so their muscles and bones deteriorate, which causes intense physical pain. A week before a sow is due to give birth, she will be moved to another shed, filled with hundreds of other sows, where she will be imprisoned in a farrowing crate. She is held there for up to six weeks, unable to carry out her natural nesting behaviours.

Harrowing footage and photographs taken from sow stall sheds and farrowing crates in New South Wales show pigs biting at the bars of sow stalls, frothing at the mouth and suffering from horrific injuries, including swollen limbs, lameness and open wounds. I have seen footage over the years that showed sows lying dead, imprisoned in farrowing crates, rotten skin decaying over skulls as starving piglets lay beside their mothers. Dead sows can be seen across one piggery, some with their eyes eaten out by rats. Outside, open sacks are filled with yellow and pink dead piglets. This Christmas we must remember that severe animal cruelty is part of the unpalatable reality of piggeries. That is just a small insight into what goes on behind closed doors in the animal agribusiness industry. I urge the House to consider the horrors that those sows endure and to remember that compassion should spread to both human and non-human animals, because it takes nothing away from a human to be kind to animals.

THE GREAT RESET

The Hon. LOU AMATO (15:03:29): Recently, I heard dark whispers of a terrible Marxist plot against the West called The Great Reset. Strangely, no mention of that plot has surfaced on free-to-air television. Maybe those dark whispers are just fireside tales. However, some fireside tales contain elements of truth that it would be prudent for the wise to know. Like most of us, I often wonder what the truth is. Those dark whispers talk of a great worldwide conspiracy to be unleashed by the World Economic Forum, which seeks to use COVID-19 as a means of implementing global Marxism. Rowan Dean, the host of *Outsiders* on Sky News, argues convincingly that the conspiracy is real. Sky News has posted a number of videos online that are dedicated to exposing the sinister implications of The Great Reset.

I put on record the titles of a list of videos that have been posted by Sky News: *The Great Reset: World leaders to harness COVID and pursue sinister climate agenda*; *Great Reset in Davos at the forefront of a great deception in the free world*; *Dangerous Marxist leaders call for The Great Reset to destroy capitalism*; and *The Great Reset is about pushing us toward the socialist-left Marxist worldview*. On 11 November 2020 Pauline Hanson put forward a motion in the Australian Senate calling on the Government to boycott a World Economic Forum event in rejection of The Great Reset agenda. In an interview with Sky News about that motion in the Federal Senate, Senator Hanson stated:

It's about globalisation, they're pushing their own agenda, and I think it's pushing us toward the socialist left Marxist view of the world.

Senator Hanson's motion was defeated. People who are old enough to remember the world before political correctness and who are opposed to totalitarianism would feel that something is not quite right. I can certainly feel that. I remember life in the latter part of the last century. So much has changed since then. I have seen the loss of civil liberties and the social engineering of children from day one at school. Is COVID-19 as deadly as we have been led to believe? Are governments using COVID-19 to push a Marxist agenda? What is The Great Reset? If we look at Daniel Andrews' Orwellian control of the Victorian people during COVID-19, we would be forgiven for thinking that the virus could cause the extinction of the human race. Maybe the virus is not as deadly as we fear. Maybe the appearance of COVID-19 was not just a lucky break for those who wish to use it to subjugate our freedoms. Fear is a powerful weapon in the arsenal of those who wish to control the world. The dark whispers of dreadful and sinister plots against the freedoms of the people of the world may just be that: whispers.

TRIBUTE TO ROBERT BYRNE

The Hon. COURTNEY HOUSSOS (15:06:03): Today I pay tribute to Robert Byrne, a teacher from my primary school, Forster Public School, who passed away earlier this year. Robert, or Bob as he was known, was born on 14 March 1951. In 1978, after attending the Wollongong Teachers College, Bob was transferred to Forster Public School. He taught there until 2008, when he was medically retired due to early onset dementia. Bob had a huge love for sports, and he was sports master at the school for 20 years. During that time he coached cricket and league teams, coordinated swimming and athletics carnivals, and he was a valuable member of the local Primary Schools Sports Association. Bob even coached two future Kangaroo representative players. In recognition of his service, Bob was initiated into the school's sporting hall of fame. Bob also loved cars, music and painting houses. One of his colleagues said:

Bob's impact on the staff, parent body and students while he was at Forster cannot be under estimated. Bob was recognised by his peers as an enthusiastic, trustworthy teacher who was always calm, caring and approachable. He was tireless and selfless, keeping meticulous records and staying up to date with all facets of teaching. He was always the first to arrive at school and the last to leave. As a teacher in the public system he taught all students from all walks of life, including the behaviour disordered, the intellectually challenged, the socially disadvantaged: kids who needed to know that school was their safe place. He led, and he showed us how to behave and he quietly demanded that we include everyone. Bob encouraged us to be the best that we could be and to strive for academic excellence. An exemplary man, taken way too early.

Bob is survived by his wife, Dianne, who was his full-time carer after his medical retirement. Bob's love and strong will meant that he waited until the day after their forty-ninth wedding anniversary to succumb to his disease. Bob and Dianne had three sons, Chris, Dan and Nik. They had three grandchildren, Lachlan, Chloe and Koa. They also adopted a daughter named Susie, who lived with them from 1974 until her death in 1984. When Bob's death was announced earlier this year, the school's Facebook post received over 200 responses from former students and parents of students. The common theme was the love, support and gratitude for the effect that Bob had on their lives. One student of Bob's, who is now a teacher herself, wrote:

He was kind and he was fair. He treated every child in that classroom with dignity and respect. A gentle soul with extremely high expectations.

Bob made an incredible difference to the lives of his students, as do many teachers, even though they do not always receive recognition. Vale, Robert Byrne.

BUSHFIRES

The Hon. ROD ROBERTS (15:08:54): We cannot forget the personal loss and hardship that resulted from the infernos that wreaked havoc across our State last summer. I extend my heartfelt sympathy to those who were affected by the devastating fires. Many commentators have labelled those fires as unprecedented in the history of our State. However, that is misleading. Australia, as we all know, is a land of extremes. Fires are a natural part of our environment. Our unique ecology relies on periodic burning, with many of our flora requiring fire for germination. Aboriginal Australians have been managing this natural phenomenon since long before European settlement. Indeed, prior to European colonisation, the first Australians deliberately burned eucalypt forests to keep fuel loads low.

Last summer an estimated 20 million hectares were burnt across the east coast of Australia. However, over the 2012 summer millions of hectares were burnt. In New South Wales alone nearly 7.2 million hectares burned during the summer of 1951-52. The biggest recorded fires occurred in 1974-75 where over 117 million hectares were burnt. Clearly, there is a precedent for the scale of the fires that affected our State last summer. East Gippsland Wildfire Taskforce President John Mulligan blames the fires last summer on the Government's failure to carry out sufficient fuel reduction. Mulligan states that until the 1940s the Gippsland forests were protected from the most severe fires because settlers continued the Aboriginal practice of patchwork burning. Indeed, only six months before the fires, retired Monash University researcher David Packham told SBS News that fuel loads were the heaviest they had been since human occupation of the continent and that Aboriginal methods of fire management needed to be adopted.

The expansion of national parks in New South Wales and the concerted push by green lobbyists to leave bush as wilderness are essentially creating a ticking time bomb that flies in the face of thousands of years of land management practices by Aboriginal Australians. Furthermore, as our cities become more crowded and the price of land in metropolitan centres continues to skyrocket, many people are moving to rural areas to raise families or seek a bush retreat from the hustle and bustle of city life. As anyone living in the bush will tell you, if you live in the bush, you cannot afford to be complacent about the real threat posed by fires.

Australia contributes 1.3 per cent of global carbon emissions. It is plain common sense that rather than just focusing on strategies to decarbonise our economy, we now need to adopt policies that focus on fuel reduction and improvement of our land management practices to reduce the severity of future fires. The fires that occurred last summer had catastrophic effects on many of our rural communities. The little town of Cobargo was basically wiped out by the inferno. However, the fires were not unprecedented. It is imperative that we act now and implement practical strategies to reduce the severity of future bushfires.

PARKES LIBRARY AND CULTURAL CENTRE

The Hon. SAM FARRAWAY (15:12:04): Last week I had the great pleasure of officially opening the new Parkes Library and Cultural Centre on behalf of the arts Minister, the Hon. Don Harwin, and the Deputy Prime Minister, the Hon. Michael McCormack. The New South Wales Government recognises the importance of regional New South Wales to the cultural fabric of the State, and the important role that cultural institutions play in the social and cultural life of our local communities. We know that each region is different and unique, with a diverse set of cultural and educational needs and a culture core to regional identity. The \$100 million Regional Cultural Fund was established to ensure that regional New South Wales receives its fair share of arts and cultural infrastructure funding.

The New South Wales Government's Regional Cultural Fund has made a contribution of \$2 million toward the project's \$4 million build. The project supports the council's vision to ensure access to a rich and excellent range of art and cultural experiences that meet the needs of the shire and region. The funding for the Parkes Shire Council's Cultural Spaces Plan 2014-2023 will ensure that the cultural character of the Parkes region is shared with the wider community and attracts more visitors to the area. The objective of the project is to provide the community of the Parkes local government area with an innovative, modern and dynamic art, cultural and education space. Importantly, the improved Parkes Library and Cultural Centre will be home to a new Country Universities Centre, providing the Parkes region with increased opportunity for higher education study without the need to relocate.

The new library has upgraded information and communication technology, which will enhance the local community's connectivity to a much greater range of digital resources. The improvements will provide cultural and learning infrastructure to the communities of Parkes, Peak Hill, Trundle, Tullamore and Bogan Gate well into the future. I got to meet some of the youngest users of the new facility and learned how to play the maracas and tambourine—it is safe to say I will not leave this job to take on a musical career, much to the detriment of the Hon. John Graham, who loves his music. Providing a permanent art gallery in the Parkes Library was a priority of the council's Cultural Spaces Plan, so the project will integrate with existing and future planned infrastructure

to form a major cultural precinct for Parkes and the Central West of New South Wales. I congratulate the Parkes Shire Council team and the entire Parkes community on the keystone project in the region.

FASCISM

The Hon. ANTHONY D'ADAM (15:14:54): Fascism attacks the tolerance and pluralism that are at the heart of democratic societies. Those attacks usually presage an erosion of democratic norms. Anti-Semitism, Islamophobia, and increasing hostility to the LGBTIQ community are all on the rise and represent a worrying trend in the world. Last week I participated in the annual Kristallnacht commemoration organised by the Holocaust Remembrance committee of the Jewish Board of Deputies. Kristallnacht, which occurred on 9 and 10 November 1938, marked a dramatic deterioration in the treatment of Germany's Jewish population and was a precursor to the horror of the Holocaust.

I acknowledge and thank the Jewish Board of Deputies for their work in organising the important event. Since my election to this place I have made it a point to participate in the Kristallnacht commemoration because I am increasingly concerned by the re-emergence of the authoritarian Right and outright fascist governments across the globe. Earlier that day, I had joined many of my parliamentary Labor colleagues at Auburn Gallipoli Mosque to show solidarity with the Muslim community following the attack on the mosque in October. One of the defining features of fascism is the tactic of constructing minorities as the other and then excluding those groups from the definition of the national community. That is what the Nazis did to Jews in Germany.

We see it happening in Poland today where the right-wing president actively campaigned for re-election on a platform of open hostility toward the LGBTIQ community. The ruling party continues to engage in a culture war that demonises the community in order to cynically foment anxiety among older and more conservative voters. It is occurring at the same time as the regime is systematically attacking press freedom and judicial independence. The Archbishop of Krakow has spoken of a rainbow plague threatening Poland and President Andrzej Duda has described LGBTIQ rights as a foreign ideology. He has promised to prevent gay marriage and adoption, and promised to ban schools from teaching anything about homosexuality. The Polish education Minister has suggested that Poles need to "defend themselves against LGBT ideology" and has claimed that LGBTIQ people are "not equal to normal people".

In Hungary, the ruling Fidesz party is engaged in a similar campaign, having abolished legal gender recognition. The Jewish, Muslim and LGBTIQ communities may seem disconnected, but they are targets of the same phenomena. That is why we should be worried about the use of similar tactics by One Nation in the House. The focus on gender fluidity in the discourse of One Nation draws a line of continuity to the tactical approach of the European proto-fascist parties. Underlying the attack on teaching gender fluidity in schools is the same cynical politics of Duda's Law and Justice party. It is a process of defining trans people as the other. It plays on bigotry and prejudice to attract media attention and to play to a bigoted segment of society. The Government must be careful in ensuring that it does not capitulate to such nasty politics. It must be clear and unapologetic in its defence of the LGBTIQ community.

STATE BUDGET

Mr DAVID SHOEBRIDGE (15:17:45): Budgets are about building the world we want, one that supports communities, protects the natural world and responds to the challenges we face. Those challenges are significant: record low wage growth, record high unemployment, a pandemic and a State still recovering from the worst bushfire season on record, and then there is climate change. We need a vision for how to build the future and we know what it should be: free TAFE and fully free public school education from early childhood through to tertiary, so we can actually invest in being the clever country; no pay cuts for public sector workers—they have been on the front line of the fires and the pandemic response and do not deserve a pay cut; and serious investment in publicly owned renewable energy to guarantee jobs, stop climate change and deliver cheap publicly owned energy to homes, which is the major way the State Government can help to solve the climate crisis. In the vision for the future, there should also be an end to Government paying for the logging of native forests. We should invest in the forests to create long-term sustainable jobs and incredible tourist drawcards, and focus on quality access and protecting environmental values.

Lastly, the Government should stop the rorts and stop the hundreds of millions of dollars in grants going to mates and pork-barrelling for electoral purposes. Public money, according to clear public values, should go where it does the best, not just to the best mate. I watched the budget yesterday and saw more privatisation, more handouts to big business and a \$25 voucher scheme for the rest of us.

That is not a visionary budget. It is not the bold vision that we need to rebuild New South Wales. The budget was in fact notable for what it did not mention. The Treasurer did not talk about the pay cut he is inflicting on public sector workers—nurses, teachers and administrative workers who have kept the State running. By 2025

the wage cap will cost an average paramedic about \$30,000. It is an extraordinary situation in which the Treasurer thinks that the way to deal with the highest unemployment rate in almost 25 years is to cut the pay of the State's 400,000 public sector workers. With an average annual inflation rate of 2.5 per cent or more over the past two decades, capping public sector wages at or below 1.5 per cent for the foreseeable future is a pay cut.

That is not only cruel, but it also makes no economic sense. In the five years from 2011 to 2016 the New South Wales public sector wage cap of 2.5 per cent reduced wages collectively by \$3.4 billion. A 1.5 per cent cap will mean even less money circulating in the community. Governments in other parts of the world are introducing wealth taxes to deal with the economic impacts of the pandemic. If we taxed billionaires and obscene wealth in Australia, just a 50 per cent tax would raise \$164 billion. Budgets are about choices. We can choose fairness, sustainability, people and the planet over austerity, profits, corporates and billionaires. A growing movement around the world is asking us to do that.

NATIONAL ROAD SAFETY WEEK

The Hon. WES FANG (15:20:59): Country people make up a third of the New South Wales population, but last year deaths on country roads made up more than two-thirds of our road toll. To continue our Towards Zero campaign, National Road Safety Week is running this week until Sunday 22 November. This year's theme is "Lead the Way: Drive so Others Survive". In just four years in my home town of Wagga Wagga there have been more than 500 crashes on our roads, resulting in 11 lives tragically taken too soon. Those deaths echo through the community and are felt by so many people—family and friends, work colleagues, community groups and emergency services personnel. Any death on our roads is one too many. The road toll is every driver's responsibility. Unfortunately, speeding, drink driving, drug driving and fatigue remain our biggest killers. As part of National Road Safety Week large yellow ribbons are being prominently displayed at Wagga Wagga Civic Centre and along several roads across the city.

Each day of National Road Safety Week will focus on a different road trauma theme that affects our communities. Today's theme is keeping our emergency services, roadside assistance and roadside workers safe. Every day across New South Wales emergency services personnel respond to crashes, breakdowns and other incidents on our roads, which can place them at risk. We must help protect those who protect us by slowing down when passing emergency services. We are fully committed to our target of Towards Zero but we need the help of the community. We need everyone to follow the rules, drive to the speed limit, wear a seatbelt, ensure that they are not fatigued and never, ever drive when affected by drugs or alcohol. Every one of us has a responsibility to make safe decisions on our roads. I hope everyone across the State and Australia will pause for thought—especially when they see icons such as the Sydney Opera House and the Sydney Harbour Bridge lit up in yellow—and drive so that others survive.

TRIBUTE TO GERTRUDE MELVILLE

The Hon. ROSE JACKSON (15:23:38): Gertrude Melville was an amazing woman. Of significance to members in the Chamber, she was the first woman elected to the reconstituted Legislative Council in 1952. She was the first woman preselected by Labor to contest a seat in the Legislative Assembly, but was ultimately unsuccessful in her 1925 bid for the then multi-member electorate of Eastern Suburbs. She was one of the first female councillors for local government, serving on the Cabramatta-Canley Vale Council, and was dismissively referred to in a local newspaper as a "knitting alderman". She was one of the first female Justices of the Peace in New South Wales and a long-term member and activist in NSW Labor, serving on the State Executive for many fractious years in the 1920s. A brief note on her parliamentary career: Gertrude Melville won Labor preselection to be a member of the Legislative Council, which was contested by five women and 52 men. Many of us have scrapped to get here, but I doubt many can lay claim to winning such a hotly contested preselection.

Melville raised many issues in her time in Parliament, such as the importance of home ownership to the family and human dignity; health and hospital funding; child welfare; equal pay for women; and, most controversially, police brutality. Melville regularly spoke out about that practice, which was rampant in the 1950s. At the time the Opposition sought to capitalise on her outspoken views, moving a motion in the Legislative Council for a royal commission and demanding that Melville support it. She may have had no qualms expressing unpopular and controversial opinions, but she made clear that under no circumstances would she rat on her party and support Opposition propositions without caucus support. Collective solidarity and the support of the Labor movement had been her life; it delivered her to Parliament and she would not turn her back on it. She was truly a woman who inspired and guided younger members like me. Melville was a trailblazer and a brilliant woman.

In 1956 the Labor Women's Central Organising Committee commissioned a painting by award-winning Australian female artist Miriam MacRae. Legislative Council President Dickson agreed to hang it in the Legislative Council foyer. In preparation for yet another book, my friend and Federal parliamentary colleague the Hon. Chris Bowen found those records and asked me if the painting still hung there. As members would know, it

does not. Inquiries with the Clerk's office and the staff of Parliament led to a team effort beyond anything I could have hoped for to track down the painting. I am thankful for the efforts of Kate Cadell, Rosemary Sempell and Wes Stowe, who found it in a dusty corner of the parliamentary basement, having been forgotten decades ago. I was pleased to track the painting down and even more pleased when the Parliament agreed to hang the painting in my office. After some expert and much-needed restoration, it hangs there now. The painting has been lost, found and brought to life again. So too should the story of Gertrude Melville—the woman she was and the trail she blazed. I hope this speech and Chris Bowen's upcoming book will ensure that that happens.

ILLAWARRA REGION

The Hon. MARK BANASIAK (15:26:38): Despite its close proximity to Sydney, the Illawarra region has historically suffered the misfortune of being taken for granted by one political party and neglected by the other. When Labor was in government it did nothing to improve connectivity between both regions because the Illawarra was a safe Labor seat. Now the Liberal-National party has done nothing because they know it is a safe Labor seat. The Shooters, Fishers and Farmers Party does not take any region of New South Wales for granted. If neither party is prepared to fight for the Illawarra, our party will. As someone who has grown up, lived and worked in Wollongong, I know the potential it has. It was booming during the heyday of the steelworks; however, as more and more of that employment goes to unsecure contract work, it cannot continue to live off the fumes of past successes.

Wollongong is an innovative region, with the University of Wollongong being at the forefront of technological innovation across a wide variety of fields. It makes sense to connect that innovation with the rest of New South Wales and in particular with Greater Sydney. There is the potential for Port Kembla to be another major hub like Port Botany, but it is limited by transport issues. The ability for Wollongong to grow is effectively limited by its connectivity issues. Anyone who has travelled on Mount Ousley Road or Picton Road can talk about their limitations. While I acknowledge that after years of death and destruction some work is being done on Picton Road, there is still the issue of digital connectivity. Almost the entire length of Picton Road is a digital blackspot. How can that happen on a road 40 minutes from Sydney?

Several studies have highlighted the potential economic and social benefits of better connectivity between the Illawarra and Sydney. A connected community is a prosperous community. In fact, one of the key findings undertaken by the University of Wollongong's SMART Infrastructure Facility found that there would be substantial net economic benefits to the Illawarra and the industrial heartland of south-west Sydney with improved speed and reliability of passenger and freight rail transport services between the two regions. In recent years the Government has been spruiking the need for regional development as a means to address housing affordability pressures, the availability of public spaces and congestion in Sydney. We are already seeing that expansion with the South West Growth Area, yet both regions are struggling to maintain healthy growth and low unemployment, particularly for youth.

As noted by the SMART Infrastructure Facility, better transport connectivity between both regions has the potential to open up jobs, education, housing and leisure opportunities for over two million residents of the Illawarra and western Sydney. Why is the Government denying the south-west Sydney and Illawarra regions the opportunity to grow and prosper together? I am a proud Wollongong boy and the Shooters, Fishers and Farmers Party is proud to advocate for the regions. Our party will have much more to say on this issue next year. It is a little bit sad that we have the member for Kiama, a Minister in the Government, who is not vigorously advocating for better connectivity between the Illawarra and Greater Sydney. He may say that he lives just outside the Illawarra, but I would say he is the duty MP. A Minister needs to stand and be counted, not just be there for photo opportunities.

Documents

PARRAMATTA LIGHT RAIL

Production of Documents: Order

Debate resumed from an earlier hour.

The Hon. DANIEL MOOKHEY (15:30:07): Prior to question time I said that I was looking forward to continuing to make the case for the motion, which calls for the production of documents under Standing Order 52. Having reflected on my earlier contribution, I consider that I did make the case well and said all I need to say. I commend the motion to the House.

The Hon. NATASHA MACLAREN-JONES (15:30:28): The Government does not oppose the motion.

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

Motion agreed to.*Motions***INDEPENDENT COMMISSION AGAINST CORRUPTION****Reference**

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 936 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (15:31:26): I seek leave to amend private members' business item No. 936 outside the order of precedence for today of which I have given notice by omitting in paragraph (4) "within two sitting days" and inserting instead "within one sitting day".

Leave granted.

The Hon. DANIEL MOOKHEY: Accordingly, I move:

- (1) That this House notes that:
 - (a) Grand 4 Investment Pty Ltd purchased the property, 4 Grand Avenue Camellia, for \$38,150,000 on 25 November 2015;
 - (b) The New South Wales Government announced the preferred route for the Parramatta Light Rail on 8 December 2015;
 - (c) Transport for NSW paid \$53,500,000 for the property on 19 May 2016—more than \$15,000,000 above the price paid by Grand 4 Investments Pty Ltd only six months earlier;
 - (d) The New South Wales Valuer General valued the property at \$15,500,000 on 15 August 2016—less than a third of the price paid by Transport for NSW just three months earlier;
 - (e) The cost to the taxpayer of remediating the toxic chemical pollution on the site has already exceeded \$50 million with work still ongoing; and
 - (f) Following media reports in relation to this sale, the Premier stated, "I'm extremely concerned by what I've read [...] I've seen what's on the public record and I'm extremely concerned by it. And I think it warrants appropriate investigations", and when asked if she would support an investigation by the Independent Commission Against Corruption, the Premier stated, "Potentially, absolutely."
- (2) That under section 73 of the Independent Commission Against Corruption Act 1988, this House refers to the Independent Commission Against Corruption [ICAC] for investigation and report the following matters:
 - (a) The purchase by Transport for NSW of 4 Grand Avenue Camellia [DP3/843591] from Grand 4 Investment Pty Ltd (a subsidiary of Billbergia Pty Ltd);
 - (b) The circumstances in which Grand 4 Investment Pty Ltd came to purchase the site just 13 days before the New South Wales Government's announcement of the preferred route for the Parramatta Light Rail project;
 - (c) The circumstances in which Transport for NSW assumed financial responsibility for the remediation of the site, which was heavily polluted with toxic chemicals such as asbestos, hexavalent chromium and volatile chlorinated hydrocarbons, having initially indicated that the landowner would be responsible for remediation; and
 - (d) Any other matter relating to Government property acquisitions in the Camellia precinct.
- (3) A message be sent to the Legislative Assembly informing it that the Legislative Council has this day agreed to the resolution and, pursuant to section 73 of the Independent Commission Against Corruption Act 1988, requests the Legislative Assembly to pass a similar resolution.
- (4) That in the event that the Legislative Assembly does not pass a similar resolution and inform the Legislative Council within one sitting day of receipt of a message from the Legislative Council, the Clerk is to communicate the resolution of the House to the Independent Commission Against Corruption.

This is a serious matter. On Monday night we learned that in 2016 Transport for NSW came to own 4-6 Grand Avenue, Camellia. The site is heavily contaminated, riddled with asbestos, arsenic and the cancer-creating carcinogen chromium. It will cost anywhere from \$52 million to \$700 million to remediate the site. In purchasing the site, the Government accepted liability to clean it up. As I mentioned earlier, the site is adjacent to the Parramatta River, one of the most important rivers in our city. It passes the homes of tens of thousands of our citizens. We know that a lot of those substances are leaching into the river. It is an incredibly important matter.

On Monday we were reminded of what we had learned earlier: that the manner in which the property was acquired is suspect. Transport for NSW paid three times the amount at which the land had been valued by the Valuer General. The Valuer General said the land was worth \$15 million. Transport for NSW paid \$53.5 million to buy that toxic land. We also learned that in reaching that decision, there was a certain deviation from the standard procedures that Transport for NSW had to follow. It was recommended to the Minister—and agreed to

by the Minister, he now tells us—that the land be acquired through a compulsory acquisition process. Rather than doing that, less than three weeks after the Minister signed a minute approving the compulsory acquisition, using the method contained in the Valuation of Land Act 1916 to determine the price, a settlement was reached with the developer that results in the \$53.5 million payment. Transport for NSW has not provided an explanation as to why it did not continue with the compulsory acquisition process.

Transport for NSW called an out-of-session meeting of its Finance and Investment Committee to approve the acquisition, which is not the norm. The thousands of people whose homes have been acquired for projects like WestConnex and the 163 people whose homes are being acquired right now for Sydney Metro West do not have anything like the same level of interaction with Transport for NSW. They are given a notice that they have to sell. Sometimes they may be in a position to contest the value but, as we have learned in the past, that is limited. Somehow this developer is treated in a very different way.

On the face of it, one could say that the developer was simply lucky. However, the developer happened to buy the land only two weeks prior to the route being announced. Then, before it had even settled technically on the acquisition, the developer flipped it to Transport for NSW and made a \$50 million profit. That is suspicious. For two years the Labor Opposition has been asking about the matter. I recall asking the transport Minister and the former Secretary of Transport for NSW about that during the 2018 budget estimates. The Minister's arrogance during that hearing is infamous. He was utterly dismissive. Recently we learnt that after Labor gave notice of this motion, two years after the matter was first brought to the Minister's attention, under pressure from the media the Minister makes a reference to ICAC. Of course on its face that has to be accepted as appropriate. But it is slightly disingenuous because if the Minister was serious about it, he would have done it long before now.

There is a substantial difference between a referral to ICAC by an individual and a referral by the Parliament. We are seeking to invoke Parliament's power under the Independent Commission against Corruption Act 1988 to refer the matter to ICAC. If the other House concurs, ICAC will be compelled to investigate. That is the difference between a referral by an individual and a referral by the Parliament. An investigation is warranted. The Premier has said that she is extremely concerned about the arrangement. The Minister says now that he is extremely concerned. If they are true to their word, then the Government will vote in support of the motion and it will join with the Opposition to refer this highly suspect deal to the peak investigative body in the State. I commend the motion to the House.

The Hon. MARK LATHAM (15:37:52): I support the motion of the Hon. Daniel Mookhey. The member mentioned the curious case of Camellia. Indeed it is curious how a small sliver of land to the north of Rosehill racecourse appears to have been a magnet for many spivs and land speculators. Now we have the scandal of this land sale inside the Government. Having looked at some documents, I would strongly urge ICAC to look at this matter and related concerns in the Camellia precinct. A very strange thing that has come out of documents produced pursuant to another call for papers under Standing Order 52 is that the Greater Sydney Commission, which is supposed to have a strategic and broadbrush helicopter view of planning in Sydney, has come to the land at 181 James Ruse Drive, Camellia, which is not far from the other site, to engage in consultations with Daryl Maguire first and then with Kent Johns from the NSW Liberal Party. Those are very strange happenings.

I am also reliably informed that Lucy Turnbull, as the head of the Greater Sydney Commission at one time, organised a special bus trip for the commissioners to visit Camellia. I do not know if she visited the site to which the honourable member refers but it is a very small district. I would be surprised if the Greater Sydney commissioners had not looked at that parcel of land. Camellia has been heavily industrialised land for many decades. We do not have to be Einstein to work out that a lot of easy money can be made if you buy it cheap, do not do proper rehabilitation of the land and then get approvals for housing, which has been the objective at 181 James Ruse Drive. Related to that is the issue of the siting and the station locations of the Parramatta Light Rail project, which the member refers to in the ICAC reference.

We must conclude that there is a certain stench to Camellia and it is not the stench of the industrialised, contaminated land. At this particular site it is unusual activity on many levels, all leading back to members of the Liberal Party. Some might call me sceptical and some might call me prudent or cautious, but I have been around in politics long enough and seen enough land deals, particularly in western Sydney, of which Camellia is a part, to know that where there is smoke there is normally fire. It is an amazing convergence of events in one small precinct. I support the motion and urge the ICAC to look at the related matters around this particular parcel of land and all the galaxy of Liberal Party characters in and out of Camellia in this curious case.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:41:07): The Government opposes the motion on the basis that it is unnecessary and, quite frankly, comprises another step in the grandstanding by members opposite. Unlike the Opposition, the Government does not play political games with the Independent Commission Against Corruption. Regarding the purchase by Transport for NSW of 4/6 Grand Avenue, Camellia—the site of stabling yards for Parramatta Light Rail—the Minister for Transport and

Roads made clear in his recent public statements that he expects the agency to be transparent and accountable. To give the community confidence in the agency's acquisition processes, he referred the matter to the Auditor-General for review. I note that the Minister has already met with the Auditor-General to progress the matter. Further, I inform the House that at the same time as the matter was referred to the Auditor-General last week, the Minister also informed the ICAC in a discrete, appropriate way to give the community confidence.

Labor is out to tarnish the professional men and women who work for Transport for NSW, when it should await the work of the Auditor-General. The Minister for Transport and Roads has taken the appropriate course of action regarding the matter by notifying the relevant agencies, at a time when members opposite could have. They say they knew it was a problem and elected to do nothing. If the Hon. Daniel Mookhey was so concerned, he should have made a confidential and discrete referral; instead, he chose to denigrate the thousands of professionals at Transport for NSW with his irresponsible public commentary. The motion is irresponsible and unnecessary; it is an attempt to grab headlines.

The Hon. DANIEL MOOKHEY (15:43:03): In reply: I am disappointed that the Government will not join with Labor to refer the matter to the ICAC. If its words were sincere it would be joining us to vote for the resolution. Insofar as the Minister makes reference to any activities undertaken by the transport Minister after he was contacted by the media on Thursday, I say: When we asked him questions in budget estimates two years ago, the arrogance that was on display from that Minister was an embarrassment to the Government and an embarrassment to him. If he had taken it seriously at the time, we would already have the answers that we seek now. He did not. I make no apologies for the Labor Opposition continuing our scrutiny two years after we raised the matter in budget estimates because, in the absence of such scrutiny, it would never have come to public light.

The only reason the people of New South Wales now know about this toxic deal is because the media did its job and the Parliament is doing its job. We will continue to do our job and continue to ask agencies like the ICAC to help. Insofar as the Minister in this House and the Minister in the other place have made reference to the Auditor-General, we have deep respect for her and the work that she does. We agree with the Auditor-General when she says that she needs follow-the-money style powers to get to the bottom of these types of agreements. She has made the point multiple times that she has no ability to ask the developer or any other private sector organisation a single question about their conduct. She cannot compel any of those people at those private sector organisations to answer a question or provide a statement under oath.

In making that point, the current Auditor-General joins the previous Auditor-General, Mr Tony Harris, a deeply respected individual in New South Wales, who also made the point that those are the reasons why the ICAC should investigate. If we are serious about getting to the bottom of what has gone wrong at Camellia, we require an agency that can ask questions of the people who sold the land. That is why it is so important. I repeat the point I made in my contribution, which the Minister did not address: Under the Independent Commission Against Corruption Act, if Parliament refers it, the ICAC must investigate. It is an arrangement of such suspicion that we should make a clear statement from the Parliament that we think it warrants the ICAC's inspection for the reasons given by the Hon. Mark Latham. I thank him for his contribution and I commend the motion to the House.

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

The House divided.

Ayes22

Noes14

Majority.....8

AYES

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

Graham
Hurst
Jackson
Latham
Mookhey
Moriarty
Moselmane

Nile
Primrose
Roberts
Searle
Secord
Sharpe
Shoebridge

NOES

Amato
Cusack

Franklin
Harwin

Mason-Cox
Mitchell

	NOES	
Fang	Maclaren-Jones (teller)	Taylor
Farlow	Mallard	Tudehope
Farraway (teller)	Martin	

	PAIRS	
Houssos		Khan
Veitch		Ward

Motion agreed to.

Bills

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

Second Reading Debate

Debate resumed from 11 November 2020.

The Hon. MARK LATHAM (15:56:05): I very much support the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020. I believe that independent, ample funding for ICAC is critical. Coming into this Parliament, as I did last year, I have been stunned by one thing more than anything else—set aside public policy debates—ethics. I cannot believe that around this building, after the Obeid-Macdonald era, people thought that sort of behaviour could carry on. We know most notably from Operation Keppel and the amazing corrupt adventures of Daryl Maguire that this guy essentially got into government in 2011 and said to Obeid and Macdonald, "You ain't seen nothing yet." It is quite amazing that Daryl Maguire acted in a way in which other members of the Government knew what he was up to.

Daryl Maguire first made his representations about a land development deal on behalf of one of his benefactors, Joe Alha, in Canterbury in July 2011. That was four months after the election of the O'Farrell Government. One would expect that the planning Minister who received those representations, Brad Hazzard, would have put two and two together, got four and would have marched around to the office of Barry O'Farrell and said, "Look, we have got this guy—he is your mate, Barry, he is from Wagga—and here he is lobbying, in our early days in government, for a land deal in Canterbury." How much do things need to smell before basic precautionary action is taken in politics in government? It would be the duty of the Premier to pull his mate into line and say, "Look, no more letters to the planning Minister about Canterbury development. You stick to representing the people of Wagga Wagga and no more than that."

Those things did not happen. Apparently in the Liberal party room the Maguire tactic was to stand up and name junior staffers in ministerial offices who he felt were not compliant enough for his dealings—everyone in the Liberal Party heard this in the party room. I am told that in the Berejiklian era she would give lectures about ministerial staff needing to be responsive to backbenchers and to do the right thing. So these things were known inside the Government. Daryl Maguire was allowed to run, and run in ways that one finds completely and utterly amazing. The resources of ICAC are obviously not ample because I am also amazed at the things that ICAC missed or did not have the resources to cover in Operation Keppel. The opening statement of Operation Keppel clearly states that Daryl Maguire's business interests and potential corruption was so vast that ICAC could not cover the whole field of his interests in a four-week inquiry. That, in itself, is problematic.

Would there not be an ICAC inquiry into every single business interest—every single matter—that was examined of a member of Parliament who was a Parliamentary Secretary, and a close personal friend and ally of former Premier O'Farrell, and whose relationship with Premier Berejiklian was known? Instead, Minister Hazzard was not interviewed in Operation Keppel. He was not asked the fundamental question: Why did you not say something in July 2011? Nor was Minister Constance interviewed about his meeting with Louise Waterhouse regarding traffic matters at Badgerys Creek airport, which has become notorious.

They interviewed Linda Voltz who I do not think, other than being on one committee that he was commercialising, had much to do with Daryl Maguire. They did not interview Minister Hazzard or Minister Constance. They never asked why Premier Berejiklian, if she was so intent on keeping Daryl Maguire at arm's length, took on board direct control of the Greater Sydney Commission in June 2018, knowing that was exactly where Daryl Maguire was doing some of his worst work. She ignored the advice of the head of the planning department—namely, "Premier, do not take on board management of the Greater Sydney Commission. It will immerse you into controversial LEPS—rezonings." She took that on knowing what Daryl Maguire was up to in

so many matters. The ICAC did not ask that question of the Premier. They did not interrogate and explore the fundamental issue of why that decision was made in the middle of 2018, particularly after the notorious meeting on 12 March upstairs where Sarah Hill effectively was ambushed.

There are outstanding matters to do with Operation Keppel. One can only say because of its lack of independent funding, and the adequacy of that funding, that the ICAC feels it must truncate and focus its inquiries. I do not believe that is in the public interest in New South Wales. These inquiries should be as broad as are necessary to explore every possible avenue of corrupt behaviour—in this case a parliamentary secretary, the life partner of the Premier of New South Wales. Then we go on to another amazing discovery in recent times as to why ICAC did not investigate matters that were raised in *The Daily Telegraph* article about the Cawdor land deal in south-west Sydney. When somehow, seemingly amazingly—Luke Foley called this company the Nostradamus of developers; it knew where things were about to happen—in late 2016 Country Garden, again one of Maguire's benefactors, purchased land at the corner of Remembrance Drive and Cawdor Road, Cawdor, it would appear purely on speculation.

Some 12 months later, two local Liberal State members of Parliament—Jai Rowell and Chris Patterson—were told there was going to be the siting for the allocation of the corridor for the M9 Outer Sydney Orbital Road. Then, at the end of 2017, Country Garden—the corridor had not been allocated; the members had only been told that the process was starting up—was able to write a submission to the Greater Sydney Commission calling for an interchange at the corner of Remembrance Drive and Cawdor Road. The Hon. Peter Primrose would know these sites well from the time he represented the Camden constituency. It was when that was revealed that Luke Foley said, "Obviously they have the powers of Nostradamus." Three months later the corridor runs right through there and the interchange would have been appropriate to give them transport access for the housing estate they wanted to build on the land they purchased with a rural zoning. That land was purchased for \$30 million above the going market value at the end of 2016.

That in itself is more than an amazing coincidence. It raises the question that *The Daily Telegraph* asked at that time: What did Country Garden know about the corridor of the Outer Sydney Orbital that nobody else knew and how did they know it? Years later the obvious answer is they had Daryl Maguire and, quite possibly, Daryl Maguire had the Premier. The Premier herself had meetings with transport Minister Constance, roads Minister Pavey, the two local MPs Rowell and Patterson in the period from March 2018 to June 2018 because a local controversy erupted—namely, that the siting of the road was going to affect a lot of people in Cobbitty, Ellis Lane and related districts. True, it was very unfavourable to those innocent landowners. A decision was made—so that it would not run across the land surface from Cobbitty Road to Cawdor Road—that this M9 Outer Sydney Orbital would be a tunnel. The Premier was party to those discussions.

Amazingly, when you look at the indicative map for where the tunnel comes out, the arrows point directly at the Remembrance Drive and Cawdor Road intersection where six months earlier, without anyone understanding the significance of it, Country Garden was able to write a submission to the Greater Sydney Commission asking for their road interchange to service their land for their suburban housing estate—some 1,500 lots. How ICAC missed that I find amazing. It is in *The Daily Telegraph*. It mentions Country Garden. Everyone now knows what Country Garden means in terms of Daryl Maguire and Gladys Berejiklian, yet this was not interrogated at ICAC in the truncated four-week inquiry. That goes to the point that my colleague the Hon. Robert Borsak has been making: The ICAC clearly does not have enough resources and enough independence to do these jobs thoroughly in the public interest. They are obviously doing their best with these four-week inquiries but the Maguire matters in particular run far and wide—they definitely run down Cawdor Road and onto Remembrance Drive. If *The Daily Telegraph* was asking this basic question in the middle of 2018, why was the ICAC not investigating subsequently?

The bill is worthy of becoming law. We need a truly independent ICAC—not just in the first word of its acronym—to ensure that it has full independence from government and a full funding allocation. That the next Daryl Maguire who wanders through these corridors has not a four-week truncated inquiry, but an inquiry that goes to every single matter. I urge the ICAC to reopen Operation Keppel on the matters that I have mentioned—the Greater Sydney Commission, the roles of Minister Constance and Minister Hazzard, and this shocking, disgraceful land scandal at Cawdor. I will talk further about that in my Standing Order 52 calling for further documents. The early non-privileged release of documents has raised very serious concerns inside Transport for NSW as to who was tipping off Country Garden about these various decisions that were so favourable to it and how did it know to allocate the land purchase at that particular site? How did they know that an interchange submission was so appropriate? Again, where there is a stench in New South Wales politics today, there is big trouble. There is the likelihood of corruption and we need a truly independent ICAC to investigate these matters in full. The bill is outstanding and needs to be passed.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:07:10): The ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020 was introduced by the Hon. Robert Borsak on 11 November 2020. I note that the Government has not had a chance to fully consider and consult on the content of the bill. It is unfortunate that debate has come on with such a short time frame. The bill seeks to amend the Government Sector Finance Act 2018 to require appropriations made by the annual Appropriation Act to certain integrity agencies be paid directly to those agencies. It also requires a contingency fund for four integrity agencies equal to 25 per cent of their respective appropriations. Finally, it requires the Treasurer to authorise the payment of a requested sum out of the contingency fund for one of those integrity agencies if their appropriation has been exhausted and certain other conditions are met.

The bill also seeks to amend the Electoral Act, the Independent Commission Against Corruption Act, the Law Enforcement Conduct Commission Act and the Ombudsman Act to require each agency to refer any requests for contingency fund payments to their parliamentary joint committee, to require the parliamentary joint committee for each agency to review information prepared by the relevant agency for use in budget preparations and to make recommendations to the Treasurer on budget priorities having regard to this information. Lastly, the bill seeks to amend the Government Sector Employment Act to include the ICAC as a separate public service agency. In November 2019 the Government requested that the Auditor-General undertake an independent review of the effectiveness of the financial arrangements and management practices of all integrity agencies, including the ICAC.

The Auditor-General has tabled her report. I thank her for that important work. We also note that on 6 November 2020 the ICAC Commissioner made a special report regarding funding arrangements. The Government is carefully considering the Auditor-General's recommendations and the matters relating to this complex issue. It will finalise its position next year. Failing to give those matters the due consideration that they deserve would be inappropriate. The Government is committed to ensuring that the funding of the State's integrity agencies continues to be based on principles of transparency, accountability and independence. I note specifically that currently the Public Accountability Committee of the Legislative Council is in the process of conducting an inquiry into the budget process for independent oversight bodies and the Parliament of New South Wales. It has tabled its first report. A further and perhaps the final—maybe it will not be, but we will see—report of the inquiry is due on 5 February next year.

The Government will consider any final recommendations of the committee at the appropriate time when those reports are concluded. I feel that bringing forward a bill that effectively pre-empts the findings of the Public Accountability Committee is premature. Regarding the proposal in the bill that the office of the ICAC become a separate public service agency, I note that the ICAC is afforded greater independence under current arrangements. Under section 104 of the ICAC Act, the Chief Commissioner of the ICAC may appoint a chief executive officer and other such staff as may be necessary to enable the Commission to exercise its functions. In evidence before the Public Accountability Committee on 12 December 2019, the Chief Commissioner of the ICAC referred to the fact that none of the ICAC's employees are covered by public service regulations. He raised absolutely no concern about that and one can see why.

I note that establishing the ICAC as a separate public service agency would position its employees as public service employees and subject to the legislative arrangements as they apply to public service agencies. In order to ensure that appropriate consideration is given to those complex matters, the Government will carefully consider the Auditor-General's recommendations and the recommendations of the Public Accountability Committee and finalise its position in 2021. The current system of providing funding and supplementary funding to the ICAC is working. ICAC has been provided with an increase in its funding for the 2020-21 year in the budget. It was announced yesterday that that budget is \$32.3 million, comprising \$30.9 million in recurrent expenses plus \$1.4 million in capital expenses. That is a 60.7 per cent increase in the level of expenditure from the final budget of the previous Labor Government in 2010-11, which had an allocation of \$20.1 million for the ICAC.

The Government is providing more than \$114 million in funding to the ICAC over four years. The 2019-20 budget allocated \$26.6 million plus an additional \$3.5 million in supplementary funding. Consistent with previous practice, the need for any additional funding is assessed throughout the financial year to ensure that the ICAC continues to be fully equipped to investigate, expose and prevent corruption at all times. The Government has provided supplementary funding to the ICAC on every occasion that it has requested it for at least the past 10 years. For example, in 2018-19 supplementary funding of \$1.72 million was provided to the ICAC. In 2017-18 the supplementary funding was \$1.68 million. It is clear that the Government has been providing the ICAC with the funds that it needs to conduct its important work. Therefore, the Government rejects the assertions made in the second reading speech by the mover that it did not provide additional grant funds to the ICAC when requested.

It also rejects some of the assertions made in the Hon. Mark Latham's contribution. The narrative that the honourable member developed asserted that the ICAC had not followed up a number—as he saw them—of loose ends because of a lack of funds. The reality is that, if that were true, it would have asked for supplementary funding, just like it has done so many times in the past, and it would have been granted, just like it has been done so many times in the past. It is wrong to assert otherwise. Between 2011 and 2016, the Department of Premier and Cabinet provided additional grants to enable the ICAC to hire additional staff to cope with special investigations it was undertaking. Once those investigations ended, the Government provided the ICAC with a temporary supplementation of \$1.3 million in 2015-16 to specifically fund 12 redundancy payments. As honourable members will be aware, I am referring to the investigations into two former members of this House, the Hon. Eddie Obeid and the Hon. Ian Macdonald—or not so honourable members. For the reasons that I have articulated, the Government does not believe the bill is necessary. Therefore, we will oppose it.

The Hon. WALT SECORD (16:16:41): As the shadow Special Minister of State, I lead for Labor on the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020. The bill was second read into Legislative Council on 11 November by the Shooters, Fishers and Farmers Party leader, the Hon. Robert Borsak. I reject claims made by the Leader of the Government that the Chamber and the Government have had insufficient time to consider the bill. Mr Borsak gave notice of the bill and its subject matter some time ago. It is not a surprise to anyone in the Chamber that the bill was coming. I also acknowledge the Hon. Mark Latham's contribution to this Chamber. He spelt out a number of matters and the need for an independent and strong ICAC. I sincerely hope that the bill gets the necessary support to pass the Legislative Council. I urge the Leader of the Government to reconsider the Government's position. The overview of the bill says:

The object of this Bill is to make amendments to various Acts—

- (a) to facilitate the administrative independence of the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the New South Wales Electoral Commission and the Ombudsman's Office (the relevant GSF agencies), and
- (b) to require the annual appropriation for each relevant GSF agency, including a contingency fund, to be paid directly to the agency, and
- (c) to require the Treasurer to authorise payments out of each relevant GSF agency's contingency fund with the approval of the relevant Joint Committee for the agency and if certain other requirements are met.

Labor will support this bill. I also congratulate the Hon. Robert Borsak on bringing the matter before the House. The text of the bill states that the bill is for:

An Act to make amendments to various Acts to provide for further parliamentary oversight relating to the adequacy of funding for the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the New South Wales Electoral Commission and the Ombudsman's Office; to require the annual appropriation for each of those bodies to be allocated separately from other agencies and that it include a contingency amount available for use in special circumstances; to provide for further administrative independence of those bodies; and for related purposes.

Members would be well aware of public statements and reports by ICAC Chief Commissioner the Hon. Peter Hall, QC. On 10 November 2020, the month of May 2020 and 12 December 2019 he raised concerns that the ICAC would not be able to hold public inquiries due to inadequate funding by the Berejiklian Government. That flies directly in the face of the major points made by the Leader of the Government. He said that if these agencies needed the funds then they would have spoken out. On three separate occasions, the ICAC Chief Commissioner himself spoke out. The May 2020 special report by the ICAC was entitled *The need for a new independent funding model for the ICAC*. The title of the report goes to the core of what this bill is seeking and what the Government denies that the ICAC wants.

The comments earlier this month were the third time since the ICAC was founded in 1998 that it has taken these extraordinary measures to highlight its funding concerns. Mr Hall said that the current funding model under the Berejiklian Government for the ICAC "threatens its independence". That absolutely flies in the face of the entire second reading debate by the Government. Currently the ICAC's funding model is determined by the Department of Premier and Cabinet and the Treasury and is signed off by the Cabinet's Expenditure Review Committee. In a special report to both the President of the Legislative Council and the Speaker of the Legislative Assembly, Mr Hall said that the uncertainty of the current model undermined the ICAC's independence. He cited what he described as "solid and uncontradicted" legal opinion.

Currently the ICAC has been reduced to its smallest size in its 30-year history. In fact, 12 frontline positions were given forced redundancies in the investigation unit. Clearly there is a need for a new funding model. The ICAC must have adequate ongoing funding and independence so that it can do its job without fear or favour of the Government. We know that the Law Enforcement Conduct Commission [LECC] has also been the subject of significant funding cuts and it was forced to find more than \$2.1 million in savings by 2022-23. LECC Chief Commissioner Michael Adams, QC, is on the record saying that the inadequate funding for his organisation will have significant ramifications on its activity. He 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.

He went on to say:

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."

Furthermore, the NSW Electoral Commission has indicated that it will have serious difficulties in carrying out its activities—the supervision of elections—due to inadequate funding. In addition, Auditor-General Ms Margaret Crawford last month raised serious concerns about the financial independence of integrity agencies, including the ICAC. In the second reading debate, the Minister tried to give the impression that all is well. The review found that the existing funding arrangements, including the Premier's ability to restrict access to money, threaten the fairness, impartiality and transparency of the ICAC, the NSW Electoral Commission, the NSW Ombudsman and the LECC.

Put simply, the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020 gives the ICAC and three other oversight bodies—the Law Enforcement Conduct Commission, the NSW Electoral Commission and the Ombudsman's office—more independence and more certainty. It requires money to be paid out of the Consolidated Fund directly to four agencies and sets up a contingency fund of an amount equal to 25 per cent of the appropriation made to the body. The Treasurer is required to authorise payments out of each of the four agencies' contingency fund with the approval of a relevant joint committee for the agency if certain conditions are met. It amends the Government Sector Employment Act 2013, the Government Sector Finance Act 2018, the Electoral Act 2017, the Independent Commission Against Corruption Act 1988, the Law Enforcement Conduct Commission Act 2016 and the Ombudsman Act 1974. The Berejiklian Government is likely to argue against this bill and I think that is due to the Premier's recent appearance before the ICAC.

The Hon. Catherine Cusack: Point of order: The honourable member has just made a disgusting smear against the Premier. I ask that it be withdrawn.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I was listening very carefully because I am very alert to the potential of somebody treading on precarious ground here. I do not believe that he did. There is no point of order.

The Hon. WALT SECORD: I do think that there is a deep and clear conflict of interest between the Premier approving or overseeing the funding of an investigative body and approval of that funding occurring while she is actually the subject and involved in an investigation in that body.

The Hon. Don Harwin: Point of order: The honourable member just made a comment about the Premier that is totally untrue and it is well known that it is untrue. She is not the subject of an investigation; she is a witness. Given your previous profession, you are well aware of the difference. Therefore, what he just did was to directly reflect upon a member and that is disorderly under the standing orders.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Again I was listening carefully. I do not believe that I heard him say that she was subject of the investigation. I think that he said that she was involved in the investigation.

The Hon. Catherine Cusack: To the point of order: The Minister's characterisation is absolutely accurate.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I am continuing to discuss this with the Minister himself. I am trying to be as fair as I can. I do not have access to the tape at the moment and nor do you.

The Hon. Don Harwin: I suggest that you reserve it and look at it.

The Hon. WALT SECORD: Point of order—

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Excuse me, I am still talking. The Hon. Catherine Cusack brought it to my attention before. I am extremely aware of this situation. I was listening to the best of my ability and I believe that he said she is involved in the inquiry. I do not believe that he said she was subject of the inquiry because she is not subject of the inquiry. I believe that he said she is involved, which is a statement of fact. I therefore do not believe that there is a point of order. But I will continue to listen carefully and I will just take this opportunity to say to the Hon. Walt Secord to please be sure that you do not stray into dangerous territory.

The Hon. Catherine Cusack: You can confirm it, Walt. If you were an honest man, you would.

The Hon. WALT SECORD: Point of order: I take exception to the disgusting remarks made by the Hon. Catherine Cusack in this Chamber and I ask that you ask her to withdraw them.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I do not think that her remarks were disgusting at all. Perhaps you could shed some light. I have made a ruling but for fairness and probity, can you tell me if you did say that the Premier was subject of the investigation or not?

The Hon. WALT SECORD: I deviated quite a bit from my notes so I am not sure if I did. But to suit the House I will say for clarity that the Premier was involved in the investigation. If I did say something otherwise, I did deviate from my notes.

The Hon. Robert Borsak: Point of order: I too was listening very, very carefully and he said "involved". He did not say that she was subject to it.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Hon. Walt Secord has the call.

The Hon. WALT SECORD: I acknowledge the forensic work of Mr David Shoebridge of The Greens and the Hon. John Graham and the Hon. Courtney Houssos of Labor in other activities involving probity involving this Government. Knowing of the recent shredding matter that they highlighted in the other parliamentary hearings, I thought that this Government would be clamouring to improve the funding model for the ICAC. This matter has been canvassed extensively by this Chamber and I commend the bill to the House.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. NATASHA MACLAREN-JONES: I move:

That Government business orders of the day Nos 1 to 7 be postponed to a later hour of the sitting.

Motion agreed to.

Personal Explanation

THE HON. GLADYS BEREJIKLIAN

The Hon. WALT SECORD (16:30:14): By leave: I wish to make a personal explanation about the exchange that occurred in the last debate. I significantly deviated from my speech. I do not recall my exact words, but I apologise if I said that the Premier was the subject of the investigation and I withdraw the comment. I am not certain, but to suit the House and to appease Government members, if I did say that I withdraw that comment and I apologise.

Bills

BUSHFIRES LEGISLATION AMENDMENT BILL 2020

In Committee

Consideration resumed from 17 November 2020.

The CHAIR (The Hon. Trevor Khan): To be clear, we are in Committee and at present we are dealing with The Greens amendment No. 3 on sheet c2020-262B.

The Hon. SCOTT FARLOW (16:32:01): I will be short and sweet. The Government does not support the associated amendments to the membership of the Bush Fire Coordinating Committee moved by Mr David Shoebridge. In debate last night the Government outlined its position in support of Labor's amendments. The Government does not believe that The Greens amendments are necessary.

The Hon. TARA MORIARTY (16:32:28): Labor does not support the amendments moved by Mr David Shoebridge.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 3 on sheet c2020-262B. The question is that the amendment be agreed to.

The Hon. Mark Latham: Point of order: Is it possible to put the question when the member who has moved the amendment is not in the Chamber?

The CHAIR (The Hon. Trevor Khan): The answer is yes.

The Hon. Mark Latham: That is quite remarkable. I thank the Chair for that ruling. I have provided a 15-second delay and now the member is present.

Mr David Shoebridge: I have moved the amendment and I have contributed to debate.

The CHAIR (The Hon. Trevor Khan): Yes.

Mr David Shoebridge: I appreciate that members have been polite.

The Hon. Mark Latham: What sort of place is this?

The CHAIR (The Hon. Trevor Khan): It is a place where an order was made that the Committee would return to the matter at 4.30 p.m. Mr David Shoebridge was aware of that. The Committee was in the midst of dealing with The Greens amendment. It is up to members to be present in the Chamber. I will put the question again. Mr David Shoebridge has moved The Greens amendment No. 3 on sheet c2020-262B. The question is that the amendment be agreed to.

Amendment negatived.

Mr DAVID SHOEBRIDGE (16:34:33): If the Chamber permits, I wish to move The Greens amendments Nos 1 and 2 on sheet c2020-250A in globo.

The CHAIR (The Hon. Trevor Khan): It would be better if those amendments were moved individually. Amendment No. 2 on sheet c2020-250A creates a series of difficulties with intersecting amendments.

Mr DAVID SHOEBRIDGE: If it is permissible, I will move those amendments in globo and the Committee may vote on them separately.

The CHAIR (The Hon. Trevor Khan): That is fine.

Mr DAVID SHOEBRIDGE: By leave: I move The Greens amendments Nos 1 and 2 on sheet c2020-250A in globo:

No. 1 Rural Boundary Clearing Code

Page 6, Schedule 1[24] and [25], lines 1–14. Omit all words on those lines.

No. 2 Rural Boundary Clearing Code

Pages 6–8, Schedule 1[27], line 18 on page 6 to line 8 on page 8. Omit all words on those lines.

Those amendments taken together would delete the provisions that relate to the rural boundary clearing code and they effectively delete clauses 24, 25 and 27 from the bill. The rural boundary clearing code and the permitted clearing under that code is the aspect of the legislation that The Greens find the most pernicious. The Greens believe that schedule 2 to the bill potentially has merit; for example, the capacity to rebuild on the same footprint of land for properties that were destroyed by fire. I detailed in my contribution to the second reading debate that the rural boundary clearing code is the aspect of the bill that allows for 25 metres of clearing on either side of a property boundary in rural use zones 1 to 6. That is not supported by the statewide inquiry and it lacks credible scientific support.

Indeed, the concept that a 25-metre-wide clearing is needed to create consistency for fire trails ignores the state and the width of fire trails throughout the State. It is remarkable that the Government continues to pretend that it has a valid rationale for that. It is all about clearing native vegetation and trees, free from evidence, free from scientific support and free from the recommendations of the inquiry. For those reasons The Greens do not believe that it should have any place in the bill or in any legislation. It would come as no surprise that The Greens have moved to delete those provisions.

The CHAIR (The Hon. Trevor Khan): A couple of other amendments intersect with The Greens amendments. If Mr Justin Field is happy to yield, the Hon. Mark Banasiak may move the Shooters, Fishers and Farmers Party amendment No. 1 on sheet c2020-289A.

The Hon. MARK BANASIAK (16:38:50): I move Shooters, Fishers and Farmers Party amendment No. 1 on sheet c2020-289A:

No. 1 Rural Boundary Clearing Code

Page 6, Schedule 1[24]. Insert after line 2—

environmental zone means each of the following land use zones under the Standard Instrument, or a zone under another instrument that is equivalent to 1 of the following zones—

- (a) Zone E1 National Parks and Nature Reserves,
- (b) Zone E2 Environmental Conservation,
- (c) Zone E3 Environmental Management,
- (d) Zone E4 Environmental Living. I said in my contribution to the second reading debate that rural zones are not the tinderboxes of the State. It

was actually the national parks and the environmental zones that are dense with scrub and canopy that caused the intense fires that we saw last summer. The Shooters, Fishers and Farmers Party has alluded to that fact for years. In the months preceding the last election I was in Tathra and Kiah on the far South Coast of New South Wales. I spoke on several occasions and warned what would happen if a fire broke out down there and, sure enough, it did. Those concerns are echoed by residents in the Kiah area. Those residents could and did predict the path of the fire based on the locale of the environmental zones. Some might say it was a lucky guess but it is something to be considered.

The scrub and canopy in the national park were so dense and dry that no-one in our party was surprised at the intensity of the fire when it hit several months later. The properties that survived the path of the devastating fire that came up the highway from Victoria were those that had created a buffer between the dead scrub and canopy and their homes. Given that areas designated as environmental zones are effectively tinderboxes during most fires, it is inconceivable that they should be exempt from bushfire mitigation or the rural boundary clearing code in this bill. My amendment essentially inserts "or an environmental zone" after rural zones, bringing them into the remit of the rural boundary clearing code.

The Hon. SCOTT FARLOW (16:40:54): I turn first to the amendments moved by Mr David Shoebridge and referred to in the Chamber by Mr Justin Field. The proposed amendments would remove the clearing provisions and the rural boundary clearing code provisions in their entirety. This would defeat one of the key purposes of the bill, which is to simplify vegetation management for rural landholders and make it easier for those landholders to reduce bushfire hazards on their land. The bill will also allow rural landholders to more easily meet their obligations to prevent the spread of bushfires under section 63 of the Rural Fires Act 1997. The Government will not be supporting the amendment moved by Mr David Shoebridge.

With respect to the amendments moved by the Hon. Mark Banasiak of the Shooters, Fishers and Farmers Party, they would extend clearing to environmental zones which, under the Government's proposal, are deliberately excluded from the bill. The Government's proposal applies only to rural zones. The bill is intended to mitigate bushfire hazards and does not apply to environmental zones so as not to damage those zones. The Government will not be supporting the Hon. Mark Banasiak's amendments.

The Hon. MARK LATHAM (16:42:09): One Nation supports the amendment moved by the Hon. Mark Banasiak, our colleague in the Shooters, Fishers and Farmers Party, to include the environmental zones in the provisions of the rural boundary clearing code. We oppose the effective abolition of the code in The Greens amendment for the reason that the first priority must be the protection of human life. Other members and I sat in this Chamber yesterday and heard with amazement Mr Justin Field make a lengthy speech about these matters, but never once did he mention how we can save lives. He mentioned the saving of koalas but not human life. Mr Shoebridge gave a lengthy speech as well. He spoke about the importance of saving lives but he did not articulate how that could be done. At the end of the day he arrived at the same position as Mr Justin Field—that koalas were going to be the main priority by not allowing rural boundary clearing under this code.

I find that amazing. I cannot find any value set in a civilised society that would allow us to say that koala lives are more important than human lives. It is a form of ecofascism to put animal lives ahead of human lives, particularly those that were lost earlier this year. This is not a distant event; it is not a memory that we have to look up in history books to find out what happened. As a Parliament we should be responding to the people who lost their lives in the fireball infernos that hit those communities with sensible reforms such as the rural boundary clearing code. Whether it is 12.5 metres, 25 metres or 50 metres, clearly it is something that will save lives in some dimension.

The wider the clearing capacity the more lives it will save—a commonsense measure. It is a sad moment for this Chamber to have members make long speeches without articulating responses about the preservation of human life as a result of bushfires. It is sad because of the values we project in a progressive way. It is sad for the people who adhere to the moral code of the enlightenment—that we can work together in a constructive, humanistic way to do great things for humankind. While it can be argued that koalas are worthy of preservation, we should never arrive at a position where the life of a koala is more important than the life of a human being.

How can we as a Parliament respond to those bushfires and everything that was said—all the regret and heartbreak, the images of families who lost their loved ones, little kids who lost their dads, wives who saw their husbands go back to their properties never to return, as they did at Lake Conjola. They were burnt to a cinder. How can we respond to that by saying that koalas who live in those trees—unspecified, unidentified, unvisited, however hypothetical the theory—are more important than allowing people to clear land at their boundary to

provide a firebreak and form a rudimentary defence against fires? I totally reject The Greens proposition, which is always to moralise us in what they believe. I find those beliefs to be utterly and thoroughly barbaric.

Mr JUSTIN FIELD (15:46:06): I am not sure that I have heard anything quite as disgusting as what I just heard. I stood in the Chamber last night and spoke about the very real experience I had on the South Coast. I live eight kilometres from Conjola Park where people lost their lives. I know the effect that it had on my community. It has been suggested that my contribution last night put koalas before people. I spoke about the failure of this bill to deal in any way, shape or form with the catastrophic fire conditions that were experienced in my home town a few months ago. Alex and June Frew lived not far from Bendalong, which is located on the other side of Lake Conjola. They almost died—50 per cent of their bodies were burnt in those fires—and they were in hospital for months. When they got out of hospital the first thing that they did was attend a community protest at Manyana. Manyana Matters campaigners have been fighting to retain some of the last unburnt bushland. Alex and June nearly lost their lives—they lost everything else—and their first action after leaving hospital was to try to protect the bush that sustains us all. I find disgusting what the Hon. Mark Latham said.

The CHAIR (The Hon. Trevor Khan): Order! I understand the emotion in this. I do not want to start calling members to order. At this stage I simply encourage members to direct their attention to the amendments. I have allowed some latitude but we are dealing with amendments that are limited in their scope. I do not want us to lose control of this. I encourage members to focus on the amendments before the Committee.

Mr JUSTIN FIELD: This amendment will remove one aspect of the bill that does nothing to reduce the bushfire risk to communities. We know that because there were 76 recommendations from a detailed inquiry conducted by independent people who travelled around the State hearing evidence from people who were directly affected—experts and the RFS. They made recommendations that did not support the 25-metre boundary clearing aspects of this bill. I support the amendments moved by Mr David Shoebridge. In fact, I would have moved identical amendments if these amendments were not moved now. At the end of the day, this is about ensuring not just that we are able to save lives but also that communities are prepared to cope with the inevitable reality that we will see these sorts of conditions again.

We will see catastrophic bushfire conditions again in the future. At the moment we are hampered by our inability to fight fires, to recognise fire risk, to prepare and build communities to deal with the fact that we will see these sorts of fires again and, when we do, to ensure that communities can respond. We do not want to see more loss of life, more loss of property and more loss of animal life and vegetation—all the things that sustain us. These are some of the many reasons that people like me live in beautiful parts of the world. This component of the bill does not do that. My speech last night addressed the fact that the Government cannot in any way, shape or form demonstrate how this part of the bill will save lives, protect communities and bushland, and enable us to fight fires better—nor has it tried. That does not exist.

Government members could have shown up and explained how, but they did not. I ridiculed and challenged every aspect of it and there was no response to that. I think people knew that when they listened to what I said. The Hon. Mark Latham was laughing at it, of course. He was laughing at circle work on the 25-metre private bushfire trails that we are going to see crisscrossing the State, fragmenting our bushland and wildlife. To the amendments proposed by the Hon. Mark Banasiak, who points to the risk in national parks: I recognise that there are elevated bushfire risks in national parks. I think we need to reflect on what our national parks are; that is very much the case on the South Coast.

Nearly all of the forests across the South Coast and in fact most of the State were heavily logged for generations over the past couple of hundred years. There was a recognition that because of the extent of that historical logging we were undermining the ability of our natural environment, species and biodiversity to survive. We recognised that and took steps to put them under formal protection, but they are not mature forests; they are young, regrowing forests. There are parts of the South Coast, both State forest and national park, that are some of the last remnant old-growth forests. In many circumstances—not all, because the catastrophic conditions were so intense—the fire raced up to an area of old-growth forest and basically stopped.

That is some of the best protection we have from bushfire risk. Just ask the experts who fight fires. There was a mention last night about Aboriginal cultural burning. Historically there was a reliance on rainforests and old-growth forest areas. Cultural fires were allowed to burn into those areas because that is where the fire stopped, and we see that in those forests. But the reality is that our national parks are recovering from centuries of logging. They are not mature forests. Professor David Lindenmayer, who is one of the world's foremost experts when it comes to bushfire risks associated with logging and post-fire logging, points to one of the real challenges that we have. Because of the intensity of the fires and the likelihood that they will happen with a greater frequency, the big challenge is how we are going to enable our forests to mature enough so they can be fire resilient.

We are going to have to spend time defending our forests to enable them to get old and mature enough to not be catastrophically burnt out as regularly as they would be, given the way climate change is changing fire conditions in this country. If we are not able to protect and defend them—and in fact we are going to need a force of people out there to do that—our forests will simply burn so often that they will never mature. Our biodiversity will be lost. In case members do not realise, our lives rely on those lives as well. Anyone who thinks we can live on a planet without trees and other animals is kidding themselves. That is the prescription being offered up by some members in this place.

The CHAIR (The Hon. Trevor Khan): Order! This is getting a long way away from the amendment. You are giving a second reading speech. With respect, as passionate as it is, it is not directed towards the amendment. I am inviting you not to give a generalised second reading speech but to deal with the amendments that are before the House.

Mr JUSTIN FIELD: When we fragment our natural environment, which is exactly what this component of the bill does, we degrade its ability to mature enough to defend itself. The bill will make that worse by allowing that sort of fragmentation and clearing to happen on a largely uncontrolled scale right across the landscape. It will lead to worsening fire conditions. The reason that this amendment is so important is that the 25-metre boundary clearing component of the bill, which is based on no evidence or science, makes matters worse. We can improve the ability of the RFS to organise and communicate and improve its structure and resources. But at the end of the day, if we do not enable our forests to regrow and be supported to support themselves, the Government will make it worse for everyone—including people's lives. That is why I support The Greens amendment.

The CHAIR (The Hon. Trevor Khan): There are a couple of procedural things. Firstly, I have not given an invitation to the Hon. Tara Moriarty to speak and I think she should get a gig. Secondly, it seems to me that Shooters, Fishers and Farmers Party amendments Nos 3 and 4 appropriately should be moved because they insert reference to environmental zones into other sections of the Act. I invite the Hon. Mark Banasiak to move those next before we put the question. The Hon. Tara Moriarty has the call.

The Hon. TARA MORIARTY (16:55:24): I will be short and sweet. The Opposition does not support any of the amendments.

The CHAIR (The Hon. Trevor Khan): Would the Hon. Mark Banasiak like to move amendments Nos 3 and 4?

Mr David Shoebridge: Mr Chair, I asked earlier and there were complex procedural reasons given to me not to do that.

The CHAIR (The Hon. Trevor Khan): Not to move them now?

Mr David Shoebridge: Yes.

The CHAIR (The Hon. Trevor Khan): The Clerk tells me I am right.

The Hon. MARK BANASIAK (16:55:51): By leave: I move Shooters, Fishers and Farmers Party amendments Nos 3 and 4 on sheet c2020-289A in globo:

No. 3 Rural Boundary Clearing Code

Page 6, Schedule 1[27], proposed section 100RA(4), line 31. Insert "or an environmental zone" after "a rural zone".

No. 4 Rural Boundary Clearing Code

Page 7, Schedule 1[27], proposed section 100RB(1)(b), line 23. Insert "or an environmental zone" after "a rural zone".

The Hon. MARK LATHAM (16:56:35): Just to bring some clarity, it is true that I was laughing last night at the idea of the turning circles, as reflected in the width of the rural boundary clearing code. I was laughing at Mr Justin Field because normal people do not care about the proposition of whether one can do one, two or three turning circles in width on the boundary of one's property when it is threatened by bushfire, the possible deaths of your family and the loss of all your property. People do not care. That is fundamental to the code, the purpose and the response to the bushfires. Where do we get the true meaning of our life—the enrichment, love, value, happiness and sense of meaning about the future? We get it in the human-to-human relationship.

Mr Justin Field: Point of order: The member is straying well away from the amendments before the Chamber.

The CHAIR (The Hon. Trevor Khan): I have to agree. It is becoming somewhat philosophical, as opposed to directed towards the amendments before the Chamber.

The Hon. MARK LATHAM: I recognise that, but sometimes the protection of life is a matter of deep philosophy that we should consider and get our priorities right. The priority of One Nation and in large part the

Government is to say that in the rural boundary clearing code the human-to-human relationship is paramount, not the human-to-tree or human-to-wildlife animal relationship. That is such a fundamental point that the honourable member opposite and his Greens colleague seem to miss time after time. Practical, working people who have families and the richness of great human relationships would think it absurd that this place is even considering for a nanosecond that we put koalas and trees ahead of human life.

Mr DAVID SHOEBRIDGE (16:58:40): Last time I checked, human life requires us to live in an ecosystem where we produce oxygen and have some balance in nature.

The CHAIR (The Hon. Trevor Khan): Order!

Mr DAVID SHOEBRIDGE: I get it. The idea that we could clear national parks and nature reserves—land set aside for environmental conservation, management and living—without any regard to the environmental values and the need to have a functioning, sustainable, resilient ecosystem is utterly out of touch with reality. It goes to show how much the debate is out of touch with reality and has no connection with what is happening on the ground.

There has been some suggestion that the position adopted by The Greens ignores and does not respect the people on the ground. Since the fires I have visited the South Coast more than once and spoken with the people on the ground. I have spoken with people at Cobargo and I have seen them rebuilding their homes. I have spoken with people at Mogo. Across the street from the cafe, everything is burnt out. I have gone to the local Aboriginal Land Council's land. I have walked past the burnt-out pottery shed at Mogo and seen shards of pottery that were fired in the fire. I have visited Bega and spoken to the community about how they faced the second threat of oncoming fire and about the collective trauma that people there and in Tathra are suffering still.

I have spoken with the community in Manyana. People there are shattered by what happened to the national park that surrounds them. With the most extraordinary tenacity, they are holding on to their bit of forest that they saved from the fire. I visited properties in Quaama, which is just outside of Cobargo. I had a cup of tea with a landowner there who told me that a building on her property caught fire and burnt down. Her primary property survived. I have spoken with the people who have been living in those communities. They want a scientific-based response. They want a rich policy response that addresses the best evidence. They have said to me and others that the reason they live in this remarkably beautiful part of the world is not because they want to have a war with nature, chop down every tree or concrete every national park, it is because they love it.

They accept the need for a balance with nature. They want laws to protect the nature so people will respect it. That is the reason they went there in the first place. The people I spoke with would be horrified at the idea that the Labor Party, the Shooters, Fishers and Farmers Party and the Coalition are joining together to push through a bushfire code that will result in thousands of hectares being cleared. The Greens have moved this amendment because we have spoken to the people on the South Coast and we know that they value nature and they want science to lead the debate. They know, we know and members know that the code is not derived from science.

The CHAIR (The Hon. Trevor Khan): I will put The Greens amendment No. 1 on sheet c2020-250A, then the Shooters, Fishers and Farmers Party amendment No. 1 on sheet c2020-289A, followed by The Greens amendment No. 2 on sheet c2020-250A and the Shooters, Fishers and Farmers Party amendments Nos 3 and 4. Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2020-250A. The question is that the amendment be agreed to.

The Committee divided.

Ayes5
Noes31
Majority.....26

AYES

Boyd
Faehrmann

Field (teller)
Hurst

Shoebridge (teller)

NOES

Ajaka
Amato
Banasiak
Borsak
Buttigieg

Franklin
Graham
Harwin
Jackson
Latham

Moriarty
Moselmane
Nile
Primrose
Roberts

NOES

Cusack	Maclaren-Jones (teller)	Searle
D'Adam	Martin	Secord
Donnelly	Mason-Cox	Sharpe
Fang	Mitchell	Tudehope
Farlow	Mookhey	Ward
Farraway (teller)		

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Banasiak has moved Shooters, Fishers and Farmers amendment No. 1 on sheet c2020-289A. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The Committee divided.**

Ayes4
 Noes32
 Majority.....28

AYES

Banasiak (teller)	Latham (teller)	Roberts
Borsak		

NOES

Ajaka	Field	Moriarty
Amato	Franklin	Moselmane
Boyd	Graham	Nile
Buttigieg	Harwin	Primrose
Cusack	Hurst	Searle
D'Adam	Jackson	Secord
Donnelly	Maclaren-Jones (teller)	Sharpe
Faehrmann	Martin	Shoebridge
Fang	Mason-Cox	Tudehope
Farlow	Mitchell	Ward
Farraway (teller)	Mookhey	

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): I indicate to members that I will be inviting a number of amendments to be moved before the next round of divisions. Mr Shoebridge's amendment No. 2 cuts across a number of other amendments that are anticipated to be moved by other members. I will invite those other members to move their amendments now so that everyone has an opportunity to have their say and then towards the end of the debate we will have a cascading series of amendments moved, perhaps with divisions occurring.

I invite the Hon. Tara Moriarty to move her amendment No. 4. Amendment No. 5 is in identical terms to The Greens amendment that is earlier in time, and even though the Hon. Tara Moriarty will not be moving it, at the very least the member is entitled to speak to her amendment. I understand the Hon. Tara Moriarty is not moving amendments Nos 6 and 7. It is appropriate for her to move only amendment No. 4 but speak on what amendment No. 5 was, which will cover the Opposition's position.

The Hon. TARA MORIARTY (17:23:36): I move Opposition amendment No. 4 on sheet c2020-246C:

No. 4 Rural Boundary Clearing Code

Page 6, Schedule 1[27], proposed section 100RA(3), line 26. Insert "written" before "agreement".

My comments also relate to amendment No. 5 on sheet c2020-246C. Opposition amendment No. 4 relates to the rural boundary clearing code. We seek that it be tidied up to include concurrences in writing by other Ministers. We have not seen the code. It has not been drafted or circulated, so Opposition amendment No. 5 provides for a

disallowance mechanism, a regulation at the will of Parliament, which gives everyone some strengthening oversight of the code when it exists.

The Hon. SCOTT FARLOW (17:24:32): The Government does not oppose the amendments as moved by the Opposition.

The CHAIR (The Hon. Trevor Khan): I now invite the Hon. Mark Banasiak to move Shooters, Fishers and Farmers Party amendment No. 2 if he so wishes.

The Hon. MARK BANASIAK (17:24:52): I move Shooters, Fishers and Farmers Party amendment No. 2 on sheet c2020-289A:

No. 2 Rural Boundary Clearing Code

Page 6, Schedule 1[27], proposed section 100RA(3)(b), line 28. Omit all words on that line.

For far too long we have had an abysmal response from the Minister for Energy and Environment during bushfires. He is always in denial and will never accept responsibility for his inaction in undertaking the proper management of national parks and other environmentally sensitive areas that have caused devastation to many communities across the State. It is not a one-off; it is a recurring theme. After last season's devastating bushfires, the Shooters, Fishers and Farmers Party has absolutely no confidence in the Minister for Energy and Environment. Given that my previous amendments were defeated, the Minister for Energy and Environment simply has no place in the bill. If he is not going to support the management of those zones mentioned in the bill the Minister for Energy and Environment can butt out. The Minister should not be part of the decision-making process in this regard. I commend the amendment.

The Hon. SCOTT FARLOW (17:26:08): Amendment No. 2 moved by the Shooters, Fishers and Farmers Party would delete the line requiring a rural boundary clearing code to be in place before vegetation clearing work may be carried out. The amendment would allow clearing even if a rural boundary clearing code was not in place. The code provides important protections to the environment and other Aboriginal and cultural heritage. It is imperative that a code is in place before any clearing in accordance with the proposed provisions is undertaken. For those reasons, the Government does not support the amendment.

Mr JUSTIN FIELD (17:26:44): I speak quickly to the proposed Labor amendments first. I do not support the code being in the bill, but if it is going to be in the bill then it is entirely sensible to ensure that it is a written agreement. From my perspective it is going to be interesting to see the nature of the agreement between the three Ministers listed in the bill. It is probably in everyone's interest that the agreement be in writing so that it does not blow straight into the media, which is the way in which the Government tends to deal with those sorts of questions. It is a Labor proposal to maintain a bit of goodwill within the Coalition, which is very generous of Labor.

I understand the argument of the Shooters, Fishers and Farmers Party about environmental zones not being included in the code, that it is only going to be rurally zoned land, except that we do not know yet what is going to be in the code. What we see in the legislation are the sorts of things that may be in the code—the type of vegetation that can and cannot be cleared, the way in which it can be cleared and that clearing needs to have consideration for threatened species, as required under the Biodiversity Conservation Act. The expertise in that regard sits with the Minister for Energy and Environment.

I indicated last night that we might see private forestry contractors being contracted to do this work and some of the timbers being used. Private native forestry is regulated by the Environment Protection Authority, which protects riparian zones. I imagine the Shooters, Fishers and Farmers Party would support that because we know that the run-off from those zones can impact terribly on water quality. It is in everyone's interest that all of the stakeholders within government, particularly the departmental advisers, engage in this. I understand the principle, but given the way there is interaction with the environment Minister's office, or at least the responsibilities of the environment Minister's office under the Local Land Services Act, it is difficult for us to exclude an entire component of government until we see the code.

The Hon. Mark Banasiak should by all means make a case about national parks. Even though hazard reduction burning within national parks has increased over time and it has a better rate of hazard reduction than some other areas of public land and certainly private land, the criticism is not entirely fair. Although I accept that the resourcing from National Parks and Wildlife Service has been cut, I do not think the argument of the Shooters, Fishers and Farmers Party is logical, given the content of the code and the expectation envisaged in the bill that there will be restrictions, some of which will be built in around environmental protection, protection of threatened species and protection of the environment from the sorts of activities that occur when land is cleared. For that reason, I support the Labor amendment, not the one proposed by the Shooters, Fishers and Farmers Party.

The CHAIR (The Hon. Trevor Khan): Would the member consider moving his amendments Nos 3, 4 and 5 on sheet c2020-209C and speaking to them?

Mr JUSTIN FIELD: Perhaps if someone else has a contribution, I will quickly refresh my mind before I do that.

Ms ABIGAIL BOYD (17:30:40): I put on record that The Greens will not oppose the Opposition amendment No. 4 on sheet c2020-246C. We will oppose the Shooters, Fishers and Farmers Party amendment No. 2 on sheet c2020-289A.

The CHAIR (The Hon. Trevor Khan): Have you got any instructions at this stage with regards to moving The Greens amendment No. 4?

Ms ABIGAIL BOYD: I would need a minute before I could do that.

The CHAIR (The Hon. Trevor Khan): Mr Field is now ready.

Mr JUSTIN FIELD (17:31:20): By leave: I move amendment Nos 3, 4 and 5 on sheet c2020-209C in globo:

No. 3 Rural Boundary Clearing Code

Page 6, schedule 1 [27], proposed section 100RA (4), lines 31 and 32. Omit "for the purpose of bush fire hazard reduction".

Insert instead "for the purposes of both bush fire hazard reduction and protecting buildings or other assets".

No. 4 Rural Boundary Clearing Code

Page 7, schedule 1 [27], proposed section 100RB (1). Insert after line 20—

- (a1) the holding is used for the purpose of primary production or has a dwelling that is occupied,

No. 5 Rural Boundary Clearing Code

Page 7, schedule 1 [27], proposed section 100RB (1) (d), lines 26 and 27. Omit "for the purpose of bush fire hazard reduction".

Insert instead "for the purposes of both bush fire hazard reduction and protecting a building or other asset on the holding".

I preface my contribution by saying that I do not support this element of the bill. The *NSW Bushfire Inquiry* report recognises that under catastrophic conditions, no degree of hazard reduction activity, whether it is burning or clearing, would have likely made a difference. That is clear. But the report recommends us doing significant additional research to understand the effectiveness and the cost of doing certain types of work. It envisages that because it focuses on a risk management approach to bushfires and assets, which include where we live and where our businesses are. The amendments seek to do one thing. If there should be a rural boundary clearing code, I think it makes sense, if you are interested in implementing the recommendations of the *Bushfire Inquiry* report, that it be allowed only on rural land that is used either for the purposes of primary production—a farm—or has a dwelling on it.

I am concerned about unoccupied forested land that is not used for primary production. I see that particularly in coastal communities. Often it is land-banked by a developer with an idea of developing it down the track. This sort of bushfire protection justification would be used to degrade the environmental value of that land. If you were interested in implementing the recommendations, you would recognise that any focus of bushfire protection—I question whether this is appropriate—should protect an asset: a farm or a building. At the moment you could have a piece of land forested with nothing on it, not even a fence line around it, and you could clear a 25-metre boundary around it. I do not see how that protects anyone or anything. It seems to be just clearing for the sake of clearing. It does not seem to be consistent with the intent, as is stated by the Government, for the bill. Members have talked about protection of life, property, farms and the right to manage land for the protection of yourself and your family and assets. I encourage them to look at these amendments because they go to that intent, not just a carte blanche ability to clear land for the sake of clearing it.

The Hon. MARK LATHAM (17:34:32): Mr Justin Field has encouraged members to look at his amendments, which I have done. The problem with amendment No. 4 is the requirement contained in it: "The holding is used for the purpose of primary production or has a dwelling that is occupied." The only unoccupied land that he is seeking to allow the code to apply to is for primary production. I think that is inadequate because it would rule out, for instance, a large, semirural property where a number of vehicles are stored, such as a transport-type company that would have substantial assets, using that land for themselves or would have land clearing equipment. Some of these so-called biodiversity sites now have all sorts of things on them that are commercial and regarded as assets.

We must look after primary producers but it is a limited amendment, in that it would not protect other unoccupied sites where there are legitimate business activities. A bushfire could burn those assets out and the code would require rural boundary clearing to protect that legitimate business in circumstances where they need a fair bit of land to house their vehicles to accommodate their other equipment. That amendment is a problem and accordingly will not have the support of One Nation. In amendment No. 5 the problem is that all of the following need to apply. It seems to me that it is doubling up and placing an overly onerous restriction on the capacity. The Government has a fairly good definition of when the vegetation clearing work could be carried out in section 100RB (1) (a) to (f). We believe it should stand as the Government has specified.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham, do you want to consider moving your amendments Nos 1 and 2 on sheet 44?

The Hon. MARK LATHAM: If that suits the House.

The CHAIR (The Hon. Trevor Khan): I will invite members to speak on the amendments.

The Hon. MARK LATHAM: Mr Chair, we always admire your skill in organising these things in a way that makes sense to you and guides the rest of us who need guidance. I appreciate that. You are quite the master and that is a great thing for the Chamber. Am I moving amendment No. 1?

The CHAIR (The Hon. Trevor Khan): Yes, move amendment No. 1.

The Hon. MARK LATHAM: I seek leave to correct amendment No. 1 on sheet 44. It should read "Section 100RB"; there is no section 110.

Leave granted.

The Hon. MARK LATHAM: Accordingly, I move One Nation amendment No. 1 on sheet 44:

1. **Carrying out vegetation clearing work in accordance with Rural Boundary Clearing Code**

Page 7, Schedule [1], Section 100RB 1 (a), line 21, Omit '25 metres'. Insert '50 metres'.

The amendment would save lives and also give people tremendous peace of mind. The amendment was going well until Labor conducted that illegal yacht-tacking exercise across the amendment, taking its own position from 12.5 metres to 25 metres, matching the Government, to rule out the proposal for 50 metres. The serious point is that 50 metres would be seen as a strong buffer and a fire break. We could have the argument as to where the numbers come from but I think 50 metres is important to give people peace of mind. It is not just the impact of fire itself; it is people who live in fear of fire.

I am sure in this coming bushfire season there will be many more people watching out for what is happening in their district and worrying about a similar inferno hitting them. In this era where we give a lot of attention to mental health, giving people peace of mind about their own personal protection and that of their family and property is critical. It would help people find that peace of mind in bushfire seasons if they had a 50-metre buffer zone at their property edge. More substantially, it helps provide a buffer against a fire that passes through. If it saves just one life, surely it is worth this Parliament supporting it. If 25 metres is good, I say that 50 metres is twice as good. The amendment has been drafted on that basis.

We need to understand that the bush is the enemy for people living in fear of bushfire or who have been victims of bushfire. We have heard that the trees are our friends. How many trees do we need in preference to saving lives? For a lot of people who do not necessarily belong to the green movement, the bush is the enemy. That is a natural human reaction in a circumstance where something is threatening life and property on someone's property holding. I commend the amendment to the House. It is a shame that the Government found agreement with Labor, which it seems to do on so many issues these days. This would have been a much better position to adopt. It is safer for people, better for peace of mind and a better guarantee that for any future bushfire season we will be protecting the lives of more New South Wales citizens than we have in the past.

The CHAIR (The Hon. Trevor Khan): I have late breaking news for the Hon. Mark Latham. He does not hear this often, but I am wrong. I am told that it is probably appropriate for the Hon. Mark Latham to move amendment No. 2 as well.

The Hon. MARK LATHAM: Just when I praised you so substantially.

The CHAIR (The Hon. Trevor Khan): Take me as humble on this occasion.

The Hon. MARK LATHAM: I hope that was not a curse, like the commentator's curse in footy. I apologise on that front. I am happy to move amendment No. 2. The amendment goes to a basic property right in carrying out vegetation clearing work in accordance with the rural boundary clearing code on page 8, schedule 1,

of the bill. Again, there is a typo in the amendment. I seek leave to amend "110RB" to "100RB" and it should be "Insert (6)". I apologise for those two errors. Accordingly, I move One Nation's amendment No. 2 on sheet 44:

2. Carrying out vegetation clearing work in accordance with Rural Boundary Clearing Code

Page 8, Schedule 1 [1], Section 110RB, line 1, Insert (6):

Notwithstanding any other provision in the Act, a NSW property owner who has reasonable cause to believe that vegetation needs to be cleared from their land to save lives and property, can do so without penalty, providing this is done in consultation with their local fire fighting service.

For the avoidance of doubt: This provision overrides any other tree preservation code or anti-land clearing law and/or code under NSW Legislation.

I move this from a practical perspective—

Mr Justin Field: Point of order: The member sought leave to amend his amendment. Is leave required?

The CHAIR (The Hon. Trevor Khan): He does not need leave.

The Hon. MARK LATHAM: This is a practical provision to recognise that the actions of the State or the Government in this area are always about the calibration of distances, quantities and amounts. But in the real-life practicality of running a property or a home not everything is finely calibrated and someone can say that 25 or 50 metres is adequate. We need to cut some slack to the property owner to make their own judgement about what protects them, their family and property. This clause offers that flexibility to property owners in New South Wales as a basic property right. If they have reasonable cause to clear vegetation in consultation with their local firefighting service, they can do so without penalty. It takes away the quantification elements in the bill and says that there will be practical circumstances. Every property and bushfire situation is different. If those judgements are made, we need that basic property right.

I worry as a parliamentarian, a citizen and someone who looks at public policy that so many property rights in New South Wales have been swept away in recent times. I will not go into length, but I will mention the Monaro grasslands, the recent koala State environment planning policy fiasco and, of course, the prosecution of the farmers at Moree. The modern State apparatus takes satellite mapping and pictures of property and puts metreage on what someone can and cannot do. But particularly in rural districts and farms the bottom line is that nobody knows those lands better than the farmer. Nobody knows a property or a home in a semirural area that is potentially threatened by bushfire than the home and property owner. We should acknowledge that. There is not a State solution for every problem or a government remedy for every situation. We should trust in our citizens, who would be acting in good faith to protect things on the basis that they need to do it for life and property.

I reject the proposition we have heard from Mr David Shoebridge, for example, that this is all about, in his words, clearing away national parks and putting concrete over them—the old "I came, I saw, I concreted". We are not going to do that. That is a ridiculous proposition and hyperbole on steroids. We are trying to recognise that, in real-life circumstances where not every situation can fit into the calibration of the State, this flexibility would be useful, practical and, indeed, common sense in allowing people to get on with what they regard is obviously the most important thing confronting them in a bushfire environment: doing the practical things that are needed to keep their loved ones and property safe. I commend the amendment.

Ms ABIGAIL BOYD (17:45:55): I will play a bit of catch-up here and formally move our amendments. I understand that amendment No. 4 is substantially in the same terms as Opposition amendment No. 5 on sheet c2020-246C. By leave: I move The Greens amendment Nos 4 and 5 on sheet c2020-262B in globo:

No. 4 Rural Boundary Clearing Code

Page 7, Schedule 1 [27], proposed section 100RA. Insert after line 16—

- (9) The following provisions apply to the Rural Boundary Clearing Code, and to publication of the Code in the *Gazette*, in the same way as they apply to a statutory rule, and to publication of a statutory rule on the NSW legislation website—
 - (a) sections 40 and 41 of the *Interpretation Act 1987*,
 - (b) section 8 of the *Subordinate Legislation Act 1989*.

No. 5 Rural Boundary Clearing Code

Page 7, Schedule 1 [27], proposed section 100RB. Insert after line 45—

- (4A) For the removal of any doubt, vegetation clearing work cannot be carried out under this section unless a Rural Boundary Clearing Code is in force.

I indicate that we will be supporting amendments No. 3 and 5 from Mr Justin Field on sheet c2020-290C, which my colleague, Mr David Shoebridge, may wish to speak more about. I will quickly comment on the Hon. Mark

Latham's amendments on sheet 44. We will not be supporting them. But listening to the honourable member's arguments in favour of them brought into sharp focus the lack of understanding that many members of this place as well as those, unfortunately, in the broader community—but thankfully not the farmers and many people who are working on the land—have around the complexities of climate and the vital importance of biodiversity when it comes to impacts on climate not just within a person's property and the bounds of what they consider to be their land but beyond that land.

That goes to the heart of what this legislation is unfortunately poorly going about trying to solve: the balance between the right of a property owner or farmer or anybody to take the action that they feel is necessary to protect themselves on their properties, and the interests of the whole of society, acknowledging this balance on the basis of the depth of research and science that we can now call on to inform our actions in relation to the impact on the climate. For that reason, the amendments proposed by One Nation are taking that balance completely away and going to the extreme side of the argument that basically people should be able to do whatever they like with trees on their property, which is unfortunately not how the science works.

The CHAIR (The Hon. Trevor Khan): There are now two issues for the Hon. Mark Banasiak to consider. The first issue is that we have not disposed of amendments Nos 3 and 4. They were not put to the vote. They are now without a home and are sort of orphan provisions. The alternative is that they are either voted on and knocked out because I assume that they do not make any sense, or alternatively that the Hon. Mark Banasiak seeks leave to withdraw them. That is entirely a matter for him at this stage. The second issue relates to whether he would like to move amendment No. 5.

The Hon. MARK BANASIAK (17:49:45): I move Shooters, Fishers and Farmers amendment No. 5 on sheet c2020-289A:

No. 5 Rural Boundary Clearing Code

Page 7, Schedule 1 [27], proposed section 100RB (1), line 30. Omit "Code.". Insert instead—

Code,

- (g) the vegetation clearing work does not destroy a registered fire trail.

This amendment simply ensures that fire trails are maintained at all times, particularly in national parks. I predict some responses from around the Chamber saying that fire trails are maintained. My response is that if the only way that you can find a fire trail is to sweep away the undergrowth and find the little peg that says "fire trail", then you are not maintaining fire trails. When you talk to firefighters of all persuasions and they say that the main reason why we are seeing an increase in the use of water bombers and aerial tactics is because we cannot actually get down the fire trails because they are not maintained, you are not maintaining fire trails.

I know that props are disorderly so I will not whip out the phone and show you the photos, but you are not maintaining fire trails when people send you photos of national park fire trails with logs strewn across them and deliberately blocking and obstructing them. I can only presume that is not to obstruct the RFS but to obstruct people from walking down those fire trails and enjoying nature, because for some unknown reason some people think that it is their own private playground. You are not maintaining fire trails when you block them with logs.

This amendment is quite simple. It says that the fire trails must be maintained at all times. What is the harm in passing this amendment? What could possibly be the unintended consequence of saying that fire trails must be maintained at all times? That they are not and that the failings of NSW National Parks and Wildlife Service or other Crown land managers are exposed? They are already exposed now. Very simply, fire trails must be maintained. If we cannot get down those fire trails, then how do we expect our firefighters to do the job that we put them in charge of? If the trails are not maintained properly, then we are actually putting firefighters in greater danger when they force their way down there—possibly getting trapped and encircled by fire. If they are not maintained then we are actually putting the people that we entrust our own safety to in greater danger. Simply put, nothing bad can come from this amendment. It simply says that fire trails must be maintained and I urge members to look at it through that lens.

The CHAIR (The Hon. Trevor Khan): It is probably best to have the Parliamentary Secretary speak next. We now have everything on the table.

Mr David Shoebridge: Is this every amendment?

The CHAIR (The Hon. Trevor Khan): There is one left. There is one Opposition amendment that falls outside, but that is the last one.

The Hon. SCOTT FARLOW (17:53:04): Mr Chair, I commend you on your ability to put all of this to the debate and simplify it for members. Unfortunately it may make it a little bit more difficult for me in responding, so I hope that I will be able to cover everything. I will start from where we left off with the Shooters, Fishers and

Farmers amendment No. 5. The amendment would prevent vegetation clearing that would destroy a registered fire trail. The Government contends that the amendment is unnecessary. Any designated fire trail on private property is subject to an agreement under section 62M, which would prevent unauthorised closures of the trail. Further, it is an offence under section 62ZI to close a designated or registered fire trail without reasonable excuse. Under section 62ZG, closure includes partly or wholly removing or destroying the fire trail. For those reasons the Government does not support the amendment as moved by the Hon. Mark Banasiak of the Shooters, Fishers and Farmers Party.

The amendments as moved by Mr Justin Field would restrict the vegetation management provisions of the bill. This would defeat one of the key purposes of the bill, which is to simplify vegetation management for rural landholders. The clearing proposals in the bill respond to recommendation 28 of the NSW Bushfire Inquiry, which called upon the Government to review vegetation clearing policies to ensure that they are clear and easy to navigate for the community and that they enable appropriate bushfire risk management by individual landowners without undue cost or complexity. Regardless of whether a rural property has an occupied dwelling house or is used for primary production, the owner or occupier of that property still has an obligation under section 63 (2) of the Rural Fires Act 1997 to take steps to prevent the occurrence of bushfires on that land and to minimise the danger of the spread of bushfires on or from that land. The bill is intended to simplify vegetation for owners and occupiers of any rural zone land, as they all have a duty under section 63. For those reasons the amendments are not supported.

We get into the Goldilocks predicament about being just right when we turn to the One Nation amendments and to the Government's and now the Opposition's position in respect of the 25 metres. The New South Wales RFS has worked with the New South Wales Government regarding proposed changes to the Rural Fires Act 1997 to mitigate bushfire risks. The proposed amendment allows rural landholders to clear up to 25 metres on their property for bushfire hazard reduction purposes. As we have discussed before in the debate, it aligns to a number of operational reference points including the consistency of the NSW Fire Trail Standards—which specify turning areas of 22 metres—and the NSW Rural Fire Service's primary planning tool, *Planning for Bushfire Protection*, which outlines a range of measures including boundary roads around new developments and asset protection zones. There does not appear to be any justification to increase the maximum clearing distance allowed under the bill to 50 metres. For those reasons, the amendment is not supported.

With respect to the Hon. Mark Latham's amendment No. 2 on behalf of the One Nation Party, the 25-metre clearing rule and associated code provide a balanced and sensible approach to vegetation management along property boundaries for the purpose of bushfire hazard reduction. The code will ensure that vegetation management is simplified but that environmental, cultural and heritage considerations are still addressed. The bill as drafted also does not affect a landholder's duty of care to prevent cruelty or harm to animals. The proposed amendment as drafted would provide an immunity in relation to any offence provided that the local firefighting service has been consulted. It is of note that the consultation under the amendment is not approval. Further, it is not clear from the proposed amendment whether the local firefighting service is the NSW Rural Fire Service or Fire and Rescue NSW.

Importantly, the Rural Fires Act 1997 already contains existing provisions through which landholders may address bushfire hazards on their property with the approval of the NSW Rural Fire Service. Landholders may obtain bush fire hazard reduction certificates to legally carry out hazard reduction work on their properties to address a bushfire hazard. Those certificates are obtained from an issuing and certifying authority, which includes the NSW Rural Fire Service. For those reasons, the amendment is not supported. The Government does not support the amendments moved by Ms Abigail Boyd but as was mentioned they are in similar form to those moved by the Labor Opposition, which the Government will not be opposing.

The CHAIR (The Hon. Trevor Khan): Because Ms Abigail Boyd's amendment No. 4 was received before Opposition amendment No. 5, the Hon. Tara Moriarty has not moved Opposition No. 5. The only one on the table at the moment is The Greens amendment No. 4.

The Hon. SCOTT FARLOW: For the reasons outlined the Government will not be opposing The Greens amendment, which is in the same form as the Labor Party amendment.

Mr DAVID SHOEBRIDGE (17:58:23): One steps out for two minutes and things really do move along in this place. I will deal with this as best I can. The Greens amendments moved by my colleague Ms Abigail Boyd parallel the Opposition amendments and it is just a question of timing. I think that they are in the exact same form.

The CHAIR (The Hon. Trevor Khan): I am not quite sure about amendment No. 5, which seems to be alone in that regard.

Mr DAVID SHOEBRIDGE: The Greens amendment No. 4 is identical to—

The CHAIR (The Hon. Trevor Khan): Opposition amendment No. 5.

Mr DAVID SHOEBRIDGE: —Opposition amendment No. 5 and effectively makes those guidelines disallowable instruments. Obviously there are good reasons for that democratic oversight. All members should think that democratic oversight of the code would be useful. I will not speak further to that. I will speak briefly to the One Nation amendments. The Greens oppose the One Nation amendments for a number of reasons. First of all, the 50-metre concept has appeared out of nowhere. There was no scientific evidence for 25 metres and there is even less credibility for 50 metres.

The Greens oppose One Nation amendment No. 1. The Greens oppose One Nation amendment No. 2 on the basis of the intent to exempt any property owner who believes they have reasonable cause. That may be an objective standard, though it is hard to tell from the amendment. I will assume it is an objective standard, though it is hard to tell from the drafting. If One Nation objectively has "reasonable cause to believe that the vegetation needs to be cleared from their land to save lives and property" then apparently people will be able to do so without penalty, providing they consult with their local firefighting service. The amendment then states:

For the avoidance of doubt: This provision overrides any other tree preservation code or anti-land clearing law and/or code under NSW Legislation.

The drafting is ambiguous, open to interpretation and lacking in precision. Heaven knows the meaning of terms such as "anti-land clearing law". The amendment says it will override "any law and/or code". What is a code? Is a State environmental planning policy a code? If the code becomes a disallowable instrument, is that a code? Is a guideline a code? Heaven knows what that would mean. What is a "tree preservation code"? Is a local tree preservation order that is made under a local environment plan a tree preservation code? I do not know and I do not think anybody knows. That kind of drafting is dangerous for landowners. If members ever considered passing that amendment, it would leave any landowner who sought to rely upon it in the world's most uncertain legal position.

The provision that "this is done in consultation with their local firefighting service" is also not defined. What is the local firefighting service? That is not defined in the Act. What does "consultation" mean? The One Nation amendments would be extremely dangerous if they were passed. They are so poorly drafted and so poorly conceived that if we passed them and if any landowner relied upon them, they would be in legal peril from day one. I am surprised that they have found their way before the Chamber. The Greens support the concept of a written agreement, as proposed by the Opposition. Clarity is useful and we support the amendment for that reason.

The Greens support Mr Justin Field's amendments Nos 3, 4 and 5. The Greens believe that the purpose of the code is not just for bushfire hazard reduction but also for the protection of buildings and other assets. Joining those together makes a lot of rational sense. The Greens support the Shooters, Farmers and Fishers Party amendment No. 5 relating to the prohibition on any land clearing. It ensures that the vegetation clearing work does not destroy a registered fire trail. I listened carefully to the Parliamentary Secretary's response, which was about offences relating to the closure or partial closure of a fire trail. That seems to be quite distinct from destroying a fire trail in whole or in part.

One could cause damage to a fire trail—and I read "destroy" here as meaning in whole or in part—but not actually close it. There seems to be no harm in the Shooters, Fishers and Farmers Party amendment stating that any vegetation clearing cannot destroy a registered fire trail. The Greens believe the fire trail network is essential to keep us safe. The Greens cannot understand why there would not be a prohibition on clearing that destroys a registered fire trail. That makes sense. Even if there are other provisions in other Acts, it makes sense to put them in the one Act so that it is in front of landowners at the time that they potentially clear land.

Mr JUSTIN FIELD (18:04:39): I made some comments earlier so I will address the two amendments that have been moved subsequently. First, I will deal with the Shooters, Fishers and Farmers Party amendment No. 5. I had come to the same conclusion as Mr David Shoebridge on that amendment, but I am not entirely sure that the way it was presented by the Hon. Mark Banasiak is the way it is drafted. When the Shooters, Fishers and Farmers Party raised the amendment, it was suggested that fire trails are degraded, there is debris on them, they are not accessible and they may have narrowed. I got the sense that the Hon. Mark Banasiak was talking about fire trails on public land as well, but clearly the amendment goes to the rural boundary clearing code and relates to vegetation clearing work on rural land under that section.

As I read it, the amendment suggests that if we conduct any boundary clearing work that intersects with an existing fire trail, then we must be careful that we do not destroy that fire trail. That seems eminently sensible if boundary clearing is allowed. I would imagine that in the fog of war, when there is a fire and smoke in the air, if you drive down a fire trail and come across some boundary clearing that has occurred, you would have to have very good GPS mapping systems in your truck to work out whether you are going left, right or otherwise. There must be a plan to manage the interface between those haphazard private fire trails that are 25 metres in

width and the fire trail network that is supposed to be maintained for the purposes of fighting fires. The Hon. Mark Banasiak has identified a genuine problem, though he presented it in a way that is quite different from the amendment. However, the amendment does make a degree of sense.

I ask why the Hon. Mark Latham's amendment states 50 metres. Why not 100 metres or one kilometre? Milton faced ember attacks from fires that were about 13 kilometres away. The fire raced across the dry paddocks that bordered the township and burnt out the sportsground of the Catholic school on the hill a few hundred metres from my backyard. There was no forested or vegetated area for kilometres. I have spoken with experts who have said that when there is a crowning fire, which we saw because of the catastrophic conditions in many areas, the radiant heat can lead to spontaneous combustion of certain building materials at about 350 metres. The bushfire inquiry report highlighted that very little can be done by way of hazard reduction to minimise the risk of catastrophic bushfire conditions, which we experienced on two days: New Year's Eve and 4 February.

That amendment has no basis. The Hon. Mark Latham mentioned giving a degree of comfort to landholders, which I understand. But members in this place must be very careful that we do not give landholders a false sense of security. That is the last thing we want to do. As we have been told by the Government, the advice of the experts in RFS is that the 25-metre clearing gives people some protection. It could be catastrophic if people are not prepared for fighting fires and they stay on their property because they think they are protected by a 25-metre corridor. If the member is genuinely interested in protecting life and limb, he would want to ensure that landholders know that that distance is not enough, even under moderate conditions let alone the worst conditions. My real concern is that pretending that the amendment is based on substance gives people a false sense of security, and that is why I do not support it.

The Hon. Mark Latham used this claim to justify the amendment that deals with the 50-metre rule. I will not get to the broader question of the poorly drafted amendment to allow carte blanche, as that is just absurd. The key issue around the 25- to 50-metre rule and the fact that we are giving people this false sense of security is that we will have so much social pressure in communities, on neighbours and on public authorities. It will create division among communities that have felt so much as a result of these fires. They have gone through so much that it would be unfortunate to set up a sense of conflict about who is doing more or who is doing the most.

He then spoke about trees being the enemy, which speaks volumes about his real motivation. His approach was to come into this place, to pick a fight with the greenies and then to go on television and pick the same fight. He plays to a constituency, which is all well and good, but he is playing with people's lives, which is disgraceful. I refer again to the amendment that will allow carte blanche. We have seen time and again the effect that blanket clearing has had on areas, including rural land and, in particular, on riparian zones. I had some experience with some of the impacts of clearing in wetlands in the north of the State a few years ago. There are consequences such as the acid sulphate soil impact when there is blanket clearing and grazing right up to the edge of creek lines. Blackwater events happen in our river system that kill all the fish. In fact, fishing clubs have been some of the key antagonists for better management of our riparian zones. That proposition by One Nation would do away with all the work that has been done to try to repair those creek lines, to try to mitigate the impact, to stock up to the edge of river systems and wetlands, which contrasts with the environmental zone amendment moved earlier by the member.

If this is allowed under the guise of bushfire protection, it will set off a chain of events that will have consequences right down the catchment from landholder to landholder. That is why we need some sort of control. I do not agree that the Government has the balance right but we cannot have this. The Shooters, Fishers and Farmers Party will be setting its own members against landholders if it allows that sort of amendment to pass. I do not support the One Nation amendments. I support the amendments moved by the Shooters, Fishers and Farmers Party, but for a slightly different reason than that enunciated by it.

The Hon. ROD ROBERTS (18:12:22): The big buzzword around at the moment is "lived experience". Last night members got a bit of my lived experience in relation to the drug supply prohibition order. We have touched a rich vein in the tapestry of the life of Rod Roberts because today I will tell members a bit about my grazing experience. I have mentioned before in the Chamber that I owned grazing properties around Goulburn, so I know firsthand the risks associated with living on the land—not on a little five-acre or two-acre block on the edge of the suburbs, but a fair dinkum, decent-sized grazing property.

No-one knows the land better than landholders themselves. Geography changes, topography changes and climate changes at various times, but the person who knows best is the landholder. We have been taught to listen to the Indigenous First Peoples of this nation and I agree with that entirely. We hear constantly that they knew how to manage the land by using fire to lessen the impacts of more severe blazes. Goulburn was settled in 1833—nearly 200 years ago. Over those 200 years great knowledge has been built up by graziers in that area. When I first moved to the bush I was a snotty-nosed city person from Sydney. I bought my first small property and I then progressed on to my last big property. I spoke to the locals.

Mr David Shoebridge: Point of order: It has been said on a number of occasions that the Committee stage is not the time for members to make a second reading contribution. I accept that some leniency is being shown but the member must come back to the leave of the amendments. I am not suggesting that he should be sat down but he needs to come back to the amendments.

The CHAIR (The Hon. Trevor Khan): I invite the Hon. Rod Roberts to come back to the amendments.

The Hon. ROD ROBERTS: Amendment No. 2 seeks to give landowners the ability to clear a property if they believe it is reasonably necessary. I draw the attention of members to the criminal law that gives a person the right to use a reasonable amount of physical force to defend themselves if necessary. If that right is given to people under the criminal law, it should be given to someone to protect their property, their life and the lives of their family and loved ones, their premises, their stock and whatever else is on that property. I support One Nation's amendments.

The Hon. TARA MORIARTY (18:15:13): I will keep it simple, given the breadth of the topics that have been covered. The only amendment that the Opposition will be supporting is The Greens amendment No. 4 on the basis that it is the same as the Opposition's amendment No. 5, to which I have already spoken. The Opposition will not be supporting any of the other amendments.

The CHAIR (The Hon. Trevor Khan): Mr Shoebridge has moved The Greens amendment No. 2 on sheet c2020-250A. The question is that the amendment be agreed to.

Amendment negated.

The CHAIR (The Hon. Trevor Khan): The Hon. Tara Moriarty has moved Opposition amendment No. 4 on sheet c2020-246C. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Banasiak has moved Shooters, Fishers and Farmers Party amendment No. 2 on sheet c2020-289A. The question is that the amendment be agreed to.

The Committee divided.

Ayes4
Noes32
Majority.....28

AYES

Banasiak
Borsak (teller)

Latham

Roberts (teller)

NOES

Ajaka
Amato
Boyd
Buttigieg
Cusack
D'Adam
Donnelly
Faehrmann
Fang
Farlow
Farraway (teller)

Field
Franklin
Graham
Harwin
Hurst
Jackson
Maclaren-Jones (teller)
Mallard
Martin
Mason-Cox
Mookhey

Moriarty
Moselmane
Nile
Primrose
Searle
Secord
Sharpe
Shoebridge
Taylor
Ward

Amendment negated.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendments Nos 3 to 5 on sheet c2020-290C. The question is that the amendments be agreed to.

Amendments negated.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendments Nos 1 and 2 on sheet 44. The question is that the amendments be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes4
Noes32
Majority.....28

AYES

Banasiak
Borsak

Latham (teller)

Roberts (teller)

NOES

Ajaka
Amato
Boyd
Buttigieg
Cusack
D'Adam
Donnelly
Faehrmann
Fang
Farlow
Farraway (teller)

Field
Franklin
Graham
Harwin
Hurst
Jackson
Maclaren-Jones (teller)
Mallard
Martin
Mason-Cox
Mookhey

Moriarty
Moselmane
Nile
Primrose
Searle
Secord
Sharpe
Shoebridge
Taylor
Ward

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): Ms Abigail Boyd has moved The Greens amendment No. 4 on sheet c2020-262B.

The Hon. Mark Latham: Point of order: Is there not a resolution of the House that Government business concludes at 6.30 p.m.?

The CHAIR (The Hon. Trevor Khan): There is.

The Hon. Mark Latham: Will that resolution be enforced? It is 6.37 p.m.

Mr David Shoebridge: To the point of order: The House can proceed in one of two ways. We can have a vote. We can move out of the Committee stage in order to allow the question on the motion to be put and voted on. That will involve the House spending a lot more time and losing some of the dinner break. We would then come back to the Committee stage on the bill. It seems that the majority of the House supports finishing consideration of the bill. The only effect of that is that members, staff and Hansard will have less time to have a break. Alternatively, we could seek leave to continue. If leave is granted, we could simply proceed and conclude the Committee stage. Both options will lead to the same resolution. However, one will give staff a shorter dinner break and the other will give staff a longer dinner break.

The Hon. DON HARWIN: I move:

That the Chair do now leave the chair, report progress and seek leave to sit again at a later hour of the sitting.

Motion agreed to.

Adoption of Report

The Hon. DON HARWIN: On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

Motion agreed to.

The CHAIR (The Hon. Trevor Khan): I will now leave the chair.

The PRESIDENT: According to sessional order, further consideration of business before the Committee is set down as an order of the day for a later hour of the sitting.

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

The Hon. DON HARWIN: I move:

That standing orders be suspended to allow the moving of a motion forthwith relating to the conduct of business.

Motion agreed to.

The Hon. DON HARWIN: I move:

That the Government business order of the day relating to the Bushfires Legislation Amendment Bill 2020 be called on forthwith and take precedence until concluded.

Motion agreed to.

*Bills***BUSHFIRES LEGISLATION AMENDMENT BILL 2020****In Committee**

The CHAIR (The Hon. Trevor Khan): Ms Abigail Boyd has moved The Greens amendment No. 4 on sheet c2020-262B. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): Ms Abigail Boyd has moved The Greens amendment No. 5 on sheet c2020-262B. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Banasiak has moved Shooters, Fishers and Farmers Party amendment No. 5 on sheet c2020-289A. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): That leaves Shooters, Fishers and Farmers Party amendments Nos 3 and 4 on sheet c2020-289A.

The Hon. MARK BANASIAK (18:40:34): I withdraw Shooters, Fishers and Farmers Party amendments Nos 3 and 4 on sheet c2020-289A.

Amendments withdrawn.

The Hon. TARA MORIARTY (18:40:51): I move Opposition amendment No. 8 on sheet c2020-246C:

No. 8 **Progress report and statutory review**

Page 8. Insert after line 8—

[28] Sections 138–140

Insert after section 137—

138 NSW Bushfire Inquiry—Ministerial progress reports

The Minister must cause to be laid before each House of Parliament a report on the Government's progress in implementing all 76 recommendations of the *Final Report of the NSW Bushfire Inquiry*, dated 31 July 2020, every three months.

139 Review of Bushfires Legislation Amendment Act 2020

- (1) The Minister must review the amendments made to this Act by the *Bushfires Legislation Amendment Act 2020* to determine whether the policy objectives of the amendments remain valid and whether the terms of the amendments remain appropriate for securing those objectives.
- (2) The review must be undertaken before 30 June 2021.
- (3) The Minister must cause to be laid before each House of Parliament a report on the outcome of the review as soon as practicable after 30 June 2021.

140 Presentation of report if Parliament not sitting

- (1) If a House of Parliament is not sitting when the Minister must cause to be laid a report before it under section 138 or 139, the Minister must present the report to the Clerk of the House concerned.
- (2) The report that is presented to the Clerk of a House—

- (a) is, on presentation and for all purposes, taken to have been laid before the House, and
- (b) may be printed by authority of the Clerk of the House, and
- (c) if printed, is for all purposes taken to be a document published by or under the authority of the House, and
- (d) must be recorded—
 - (i) for the Legislative Council, in the Minutes of Proceedings of the Legislative Council, and
 - (ii) for the Legislative Assembly, in the Votes and Proceedings of the Legislative Assembly, on the first sitting day of the House after receipt of the report by the Clerk.

The amendment is self-explanatory: It requires that progress reports and a review of amendments made to the Act are provided to the Chamber.

The Hon. SCOTT FARLOW (18:41:04): The Government does not oppose the amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Tara Moriarty has moved Opposition amendment No. 8 on sheet c2020-246C. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion agreed to.

The Hon. SCOTT FARLOW: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. SCOTT FARLOW: On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SCOTT FARLOW: On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Mr DAVID SHOEBRIDGE (18:42:35): Amendments agreed to by the Opposition and the Government have made marginal changes to the bill. At the end of the day we still believe it is a viciously anti-environment bill that will cause substantial damage. We are astounded that the Labor Opposition is supporting it and we indicate that we will oppose the third reading.

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

Leave granted.

The House divided.

Ayes31
 Noes5
 Majority.....26

AYES

Amato
 Banasiak
 Borsak
 Buttigieg
 Cusack
 D'Adam
 Donnelly

Graham
 Harwin
 Jackson
 Khan
 Latham
 Maclaren-Jones (teller)
 Mallard

Moriarty
 Moselmane
 Nile
 Primrose
 Roberts
 Searle
 Secord

AYES

Fang
Farlow
Farraway (teller)
Franklin

Martin
Mason-Cox
Mookhey

Sharpe
Taylor
Ward

NOES

Boyd
Faehrmann

Field
Hurst (teller)

Shoebridge (teller)

Motion agreed to.

*Rulings***THE HON. GLADYS BEREJIKLIAN**

The PRESIDENT (18:49:13): Before 4.30 p.m. this afternoon members were debating the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020. During Mr Secord's contribution a point of order was first taken by Ms Cusack that was not upheld by the Assistant President. Having looked at the transcript, the Assistant President was correct. Soon after, a further point of order was taken by Minister Harwin that Mr Secord had said that the Premier is the "subject of an ICAC investigation", which Minister Harwin indicated was untrue, was a direct reflection upon the Premier and was disorderly. The Assistant President indicated that he did not believe he heard Mr Secord say that the Premier was the "subject of an investigation", but rather that she was involved in the investigation.

I have had the opportunity to watch a recording of the debate and to review the transcript. I can confirm that the words used by Mr Secord were that "she is actually the subject and involved in an investigation of that body—"she", namely the Premier; "the body", namely ICAC. I note that Mr Secord subsequently made a personal explanation indicating that he did not recall his exact words and stated, "but I apologise if I said the Premier was the subject of the investigation and I withdraw the comment". I thank Mr Secord for making that apology and withdrawal, and I note that Minister Harwin was entirely correct to raise the point of order and in his recollection of the words used by Mr Secord. I understand that the matter is now closed. However, as we approach the end of the sitting period, with lengthy sitting days debating matters about which members have passionately held views, I urge members to exercise care and good sense as they choose the words they will contribute in debate.

The Hon. Catherine Cusack: Point of order: In the course of that discussion, the Hon. Robert Borsak stood and informed the House that he had listened carefully. He attested to the fact that the Hon. Walt Secord had not said that the Premier was the "subject of an investigation". That was incorrect. Given the member was adamant that he was a witness, that he had listened carefully and was giving accurate information to the House, I ask the President rule on that matter.

The Hon. Walt Secord: Point of order—

The PRESIDENT: I will not take any more time. I indicate to the Hon. Catherine Cusack that it is clear from the actual words used—namely, "she is actually the subject and involved in an investigation in that body"—that both the words "subject" and "involved" were used. I accept that the Assistant President clearly, in his view, only heard the word "involved". If a member makes a statement that that is what they believe they heard, I accept the member's word. There is no point of order. I do not propose to rule any further on the matter.

The Hon. Catherine Cusack: Point of order: I take a further point of order regarding misleading the House. This is in relation to a bill that is specifically dealing with the issue of the Premier's integrity.

The PRESIDENT: I do not uphold the point of order. I do not propose to hear further from the Hon. Catherine Cusack.

*Documents***DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA****Further Return to Order**

The CLERK: According to resolution of the House of 11 November 2020, I table documents relating to a further order for papers regarding the ministerial disclosures of private benefits for Mr Daryl Maguire, 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.

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

Motions

INDEPENDENT COMMISSION AGAINST CORRUPTION

Messages

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that it has this day agreed to the following resolution that:

- (1) The Legislative Assembly disagrees with the Legislative Council proposal for a reference to the Independent Commission Against Corruption as set out in its message dated 18 November 2020.
- (2) A message be sent informing the Legislative Council of the resolution.

Legislative Assembly
18 November 2020

JONATHAN O'DEA
Speaker

Bills

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

Second Reading Debate

Debate resumed from an earlier hour.

Reverend the Hon. FRED NILE (20:02:33): I support the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020. The objects of the bill are very straightforward. First, the bill will facilitate the administrative independence—and "independence" is the key word—of the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Electoral Commission and the NSW Ombudsman. Those are the relevant government sector finance [GSF] agencies under the legislation. Secondly, the bill will require the annual appropriation for each of those relevant GSF agencies, including a contingency fund, to be paid directly to the agency. Thirdly, the bill will require the Treasurer to authorise payments out of each relevant GSF agency's contingency fund with the approval of the relevant joint committee for the agency and if certain other requirements are met. That is very important. All members would understand the importance of the independence of the Independent Commission Against Corruption. I was very pleased to campaign for a corruption commission in my early years in the Legislative Council.

The Hon. Walt Secord: Did you?

Reverend the Hon. FRED NILE: You don't think it's automatic. I was very pleased to lobby for and pass the legislation to establish ICAC as well as what is now called the Law Enforcement Conduct Commission. There were two areas of possible corruption: political corruption, which was handled by ICAC; and corruption in the community through bribes, which was handled by the Law Enforcement Conduct Commission. I was pleased that those two organisations were set up. They had to be independent, as the name "ICAC" would suggest. When a government, whether it is a Labor or a Coalition government, has control of the purse strings, that gives it influence over the organisation, especially if it has a heavy agenda, which ICAC has had through many of its inquiries.

Members would remember that not very long ago ICAC commissioners said that they were under a lot of financial pressure because of the increased inquiries that they had been conducting. We congratulate them on that; it is their job. Where there is corruption, there must be an investigation or an inquiry. That involves more staff and more expenditure. That is why the legislation introduced by the Hon. Robert Borsak from the Shooters, Fishers and Farmers Party gives those organisations that independence: So that the purse strings are not controlled by the government of the day, whether it is a Labor or a Coalition government. Governments try to control the purse strings to try to control the organisation, regardless of whether or not that is their direct intention.

We want each of those organisations—ICAC, the Law Enforcement Conduct Commission, the NSW Electoral Commission and the NSW Ombudsman—to be independent when carrying out their roles. Before

the dinner break there was a discussion about the Premier's appearance before ICAC. It must be understood, and I understand, that she was present as a witness, not as someone who was being investigated in her own right. She was assisting the commission as a witness. When other Premiers have had conflicts with those organisations, they may have had a temptation to restrict the ICAC. If the ICAC was required to investigate those Premiers, the Premiers would not be enthusiastic about providing ICAC with all the funds that it might need. I support the legislation because it controls the purse strings and it controls the efficiency of that organisation.

I have had the privilege of serving under Labor and Coalition governments, including under Bob Carr, who became a good friend of mine and whom I got to know quite well during the years that he was Premier. In fact, I have a little story. A few weeks ago when I was in my office I had an unusual phone call. The caller said, "This is Bob Carr here. I am on my way to the airport." I thought he was on his way to China or somewhere. He said, "I just heard one of the announcers on 2GB ridiculing you and making fun of you. Don't let them get to you, Fred. Just keep on doing your job." I thought, "Here is a very busy man who is taking the time to ring me." I appreciated that. When I add up my achievements under Labor and Coalition governments, it may surprise members to know that I achieved far more under Labor governments than I ever did under Coalition governments. Quite a few bills were actually passed under Labor governments. The Coalition always said it would support me but I did not see much evidence of that. At least the Labor Party kept its word. I am very pleased to support the bill, which I call on all members, particularly Coalition members, to support.

Mr DAVID SHOEBRIDGE (20:09:32): On behalf of The Greens, I indicate support for the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020, which comes in response to the ICAC special report, which was delivered in May this year, on the need for a new independent funding model. It was referred to the Auditor-General, who delivered her report reviewing the oversight agencies and the funding arrangements for independent oversight agencies in October. The Auditor-General concluded that the current approach to determining annual funding for the integrity agencies presents a genuine threat to their independent status, and we know why that is.

It is because at least in part—and sometimes in very large part—if you control the funding, you control the organisation. Anyone involved in a political party would understand that that is part of political control in a political party. If a government controls the money, it has a substantial amount of control over an organisation. If a government controls the funding of an agency, then it has substantial control over that agency. The threat of withdrawing funding and the gift of increasing funding are genuine exercises of power. For too long the Executive has held power over the independent oversight agencies in New South Wales. The bill is a genuine attempt to break that power and to return a genuine sense of independence to the funding of those agencies, and to ensure that Parliament has a far more prominent role in ensuring transparency regarding budget bids and budget needs, and in providing the funding necessary for those agencies.

In response to those matters, ICAC took the extraordinary step in November of this year to call on the New South Wales Parliament—all of us collectively—to do our job and resolve the independent funding issue. The purpose of the bill is to provide further parliamentary oversight regarding the adequacy of funding for four critical agencies: the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission. If I had a critique of the bill, it would be that it does not include the Auditor-General. Whatever measures were put in place should include the Auditor-General, but that is a critique from the position of perfection rather than the enormous positive good, which is what the bill does.

The Hon. Matthew Mason-Cox: We're still doing our report.

Mr DAVID SHOEBRIDGE: Indeed, I will get to that. A critical point is that the bill requires the annual appropriation for each of those bodies to be allocated separately from other agencies and to include a contingency amount available for use in special circumstances to provide for the genuine administrative independence of those bodies. No longer will they go cap in hand to the Premier saying, "Please, sir, we want some more." We must end that mendicant relationship between the independent oversight bodies and the Executive, which, let us be clear, in large part they oversight.

No mechanism is perfect. Increasing Parliament's role creates yet another tension in the system because we want those bodies to also quite often oversight parliamentarians. For example, it is critical that ICAC oversees parliamentarians as much as it oversees the Executive. In a Westminster system sometimes those lines are blurred, particularly with Ministers operating in both spheres. We acknowledge that the greater role we give to Parliament, the more we need to ensure that it is transparent, open and accountable. That is what the bill does. It requires that relationship to be through multi-party rigorous processes in multi-party committees, where no one party controls the information or the outcome.

That is a critical additional integrity measure in the bill. It is not just a decision made in the Liberal party room or the Labor party room, or some deal that is cooked up in a coalition party room, whatever that coalition

may exist of. The information is provided to all relevant protagonists in Parliament, reviewed and then assessed in a transparent way. That is critical. The bill was based on four recommendations made in that special report by ICAC. I will read it onto the record:

Recommendation 1

That the parliamentary oversight committees for the NSW Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission review the annual budget submissions of each agency and make recommendations as to the funding priorities.

Currently the independent agencies put their budget bids in through the secretariat of the cluster that they are involved in. Sometimes there is negotiation in the cluster, but then the budget bid is transferred over to Treasury and it is a black box. Nobody knows what happens until two or three months later when a computer says either yes or no. Far too often, the response is no and nobody knows what the assessment is. There is no ability for the Parliament to oversight that black box process. The bill will open that process up to sunlight. The ICAC special report recommendations continue:

Recommendation 2

That the annual budgets for the NSW 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.

Again, I stress that it is to prevent the agencies overlooking the Government—we cannot be blind to the politics of the moment. For example, ICAC is doing an investigation into a former Liberal MP in which the Premier is a key witness. In those circumstances, going to the Premier and asking for money is an obvious conflict of interest.

It creates an obvious imbalance of power and leaves ICAC open to the perception that its decisions on how vigorously to go on an examination and whether to commence a further examination or separate inquiry are made for political reasons because it needs to maintain its funding. I have genuine faith in the integrity of ICAC. I believe it will do its duty as it sees it regardless of that, but we should not put ICAC and its commissioners in that situation and we should not run the risk that that becomes the public perception. The contingency fund model is designed to remove that risk and support those integrity bodies, so that if ICAC or the Law Enforcement Conduct Commission or the Electoral Commission need a fresh inquiry, they can access a contingency fund. They can go to that multi-party committee and have it approved on pre-acknowledged criteria so that it is transparent and we get rid of the conflict of interest. The ICAC special report goes on:

Recommendation 3

That the NSW Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission be directly allocated their annual funding through the Appropriation legislation, rather than the funding being allocated to the relevant Minister, so that they are not subject to reductions in funding during the financial year

That problem has been replicated again in this year's budget. The money has again been allocated by cluster. As we have seen before, the senior secretary and the Minister have said that they can impose efficiency dividends on those organisations even when there is a line item for their budget. A live legal battle is going on at the moment, with the Auditor-General saying that any efficiency dividend that takes away from a line item on a budget is arguably unlawful, but the Executive saying, "We can do it. That is just the maximum. We can take it below that maximum. It does not matter if Parliament has a line item in there. We can take it below that maximum because it is allocated to the cluster. The cluster's funding is ultimately at the discretion of a Minister. Those are just maximums. We can take away the funding by Executive fiat if we choose." That is a major problem. That is what recommendation No. 3 is about and it is replicated in the bill. The ICAC special report recommendations continue:

Recommendation 4

That the NSW Government remove the NSW Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission from the Premier and Cabinet cluster.

I have explained why that is important. Independent agencies are not subject to the direction of the Minister and not subject to the potential financial controls by the Minister or the secretaries in the cluster.

Finally, whilst The Greens support the bill and think it would be a major step forward, I personally believe that the preferable structure is the one that was set out in the Public Accountability Committee's March 2020 report entitled *Budget process for independent oversight bodies and the Parliament of New South Wales*. I commend each of the eight recommendations from that committee. I seek leave to have the recommendations incorporated in *Hansard*.

Leave granted.

The recommendations are as follows:

Recommendation 1

That the parliamentary oversight committees for the NSW Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission review the annual budget submissions of each agency and make recommendations as to the funding priorities.

Recommendation 2

That the annual budgets for the NSW 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

That the NSW Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission be directly allocated their annual funding through the Appropriation legislation, rather than the funding being allocated to the relevant Minister, so they are not subject to reductions in funding during the financial year.

Recommendation 4

That the NSW Government remove the NSW Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission from the Premier and Cabinet cluster.

Recommendation 5

That the NSW Government work with the Legislature in adopting the United Kingdom model of funding for the Parliament of New South Wales.

Recommendation 6

That the Legislative Council designate the Public Accountability Committee to review the Department of the Legislative Council's annual budget submission and give directions as to the funding priorities of the Legislative Council, as well as any requests for supplementary funding.

Recommendation 7

That the Legislative Council designate the Public Accountability Committee to review the Department of the Parliamentary Services' annual budget submission, in collaboration with any committee appointed by the Legislative Assembly for the same purpose, and give directions as to the funding priorities of the Department of Parliamentary Services, as well as any requests for supplementary funding.

Recommendation 8

That following further consultation by the President with the Speaker and Premier, the Legislative Council seek the concurrence of the Legislative Assembly in the appointment either of a joint committee or alternatively of two separate committees of the two Houses meeting together for the further consideration of an appropriate funding model for the Parliament of New South Wales as a whole, based on one of the models in place in either the United Kingdom or Canada.

The eight recommendations came about after hearing from all of the oversight bodies except for the Auditor-General, because she was doing a separate report. My reading of the Auditor-General's report, and the recommendations that have since come about through that report, is that in a general way the Auditor-General effectively acknowledges the power of the eight recommendations from the committee as a blueprint for putting independent oversight in place. That committee, which I chair, will finalise its report early in the new year now that it has had the additional information from the Auditor-General. It may well provide a more finely grained blueprint for going forward than what is contained in the bill. I stress that that is no reason to delay legislating the bill today or to delay the other place legislating the bill tomorrow when we finish it. We commend the bill to the House.

The Hon. MATTHEW MASON-COX (20:21:19): I start by congratulating the Hon. Robert Borsak for a brilliant piece of political opportunism. I have enjoyed reading his very reflective bill. I am a member of the Public Accountability Committee under the very capable chairmanship of Mr David Shoebridge and deputy chairmanship of the Hon. Robert Borsak. Indeed, I see a few more committee members scattered through this place tonight. We have gone through this area in fine detail. Mr David Shoebridge made comments in relation to the eight Public Accountability Committee recommendations that were incorporated in *Hansard*. They are worth reading by every member of the House. They are largely reflected in the bill, which follows the ICAC submissions more directly in that regard. Whilst I think there is vigorous agreement in the Public Accountability Committee, the matters are still to be considered by the Government.

It is important to note that much of what Mr David Shoebridge and the Hon. Robert Borsak have said in relation to why we need to set up an appropriate funding mechanism for those accountability agencies is very hard to dispute. From my own personal perspective as a member of this place for 14 years, it has always been a bit of an issue. Quite frankly the process that we have at the moment coming through the Expenditure Review Committee and the cluster agencies into the black box, as Mr David Shoebridge put it, is not terribly satisfactory. We heard directly from the agencies concerned. In particular they are concerned that they do not get the feedback loop they need. They do not understand how their budgets are determined. At the end of the day it is quite unsatisfactory and flies in the face of the independence of those audit and oversight agencies. It is very important that we put that in perspective. I note in particular that the Audit Office of NSW is not included and that is probably appropriate, given that we are still inquiring into it.

We would not want to pre-empt that finding of the Public Accountability Committee, but it is worth noting nonetheless that it has been an exhaustive process. Dare I say we have looked across the Commonwealth for the best models and brought together a persuasive report. It is incumbent upon the Government to review that. We heard from the Hon. Don Harwin, the Minister concerned, that it is something the Government will consider over the break. No doubt it will have a position when we come back to this place in the new year or shortly thereafter. In that regard there were some concerns raised, particularly about the Public Service Act, which may be worth further consideration. I think it is wise to give that proper reflection. I certainly enjoyed reading the bill and listening to the debate. I urge that the House reflects upon the wise recommendations of the Public Accountability Committee and the further report that will no doubt be delivered early next year, and that the Government be given an opportunity to give a fulsome response, which I am hopeful will generally reflect what has been put here tonight.

The Hon. JOHN GRAHAM (20:25:42): The issues have been well canvassed in the bill, so I will move briefly through them. Firstly, I thank the mover of the bill, the Hon. Robert Borsak. I serve as a member of the Public Accountability Committee; it has been a good process. I look forward to it changing the arrangements for those agencies and I believe that will happen at some point down the track in New South Wales. It has become clear that while the issues have been longstanding, we have reached a point where that really is necessary. The members who have spoken have outlined the issues well. The ICAC has presented a view to the Parliament that says its funding is determined without consultation. That is how it feels and that is a serious issue.

Secondly, the cluster arrangements mean that as that money passes through the cluster, sent from this Parliament with a view about what it should be as it is passing through, the ticket is getting clipped. As a result of those cluster arrangements, not all of that money is making it to the agencies that this Parliament intends. It is the third issue that I am most concerned about. I was surprised to hear the view put by the Government tonight that if the ICAC asked, the ICAC has received and would receive. In my view that is at odds with the view that was put in front of the Parliament and the Public Accountability Committee by the ICAC. I will simply quote from its submission, which reads:

The Commission has applied for increases in recurrent funding in seven (of 12) annual budget processes for the financial years between 2008-09 and 2019-20. The Commission was only fully successful on two of these occasions (\$0.85 million in 2009-10, and \$3.6 million in 2018-19) and partly successful on one occasion (\$1.2 million in 2010-11, when \$2.24 million was sought, but \$2.2 million was funded over the forward estimates). Applications were rejected on the other four occasions as follows:

- \$1.7 million rejected in 2013-14
- \$1.9 million rejected in 2015-16
- \$1.89 million rejected in 2016-17
- \$4 million rejected in 2019-20.

I cannot square that with the position that the Government has put in the House today, and that is of real concern. It underlines the concern that the Opposition has with these issues. When the Public Accountability Committee started out in this inquiry, they were largely theoretical issues. They have gotten a lot less theoretical given the interest that the ICAC has taken in the Government since that time.

I welcome the fact that the Government has not declared its final position on the bill. I urge the Government to consider seriously the position it will take. I know it will oppose the bill today and vote against it. However, I encourage the Government to reverse that position when it adopts a final position. Given what the ICAC has told the Parliament, I urge the Government to place the true facts on the record. The position put by the Leader of the Government is that if the ICAC asks, the ICAC will receive. Why is that at odds with what the ICAC is telling the Parliament?

The Hon. CATHERINE CUSACK (20:29:50): I make a brief contribution to debate on the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020. Originally I did not intend to speak on the bill. Having listened to the contributions of other members, particularly those members who have sought to use the bill as a political opportunity to cast aspersions on the integrity of the Premier, I feel obliged to place my own thoughts on record.

The Hon. Walt Secord: Point of order: My point of order is relevance. The member is not speaking to the bill; she is canvassing earlier incidents. I ask that the member's attention be drawn back to the substance of the bill.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I will allow the Parliamentary Secretary to continue.

The Hon. CATHERINE CUSACK: Members are engaged in a second reading debate on a bill. My stated intention is to address remarks made by members during debate. The Hon. Walt Secord appears to think

that my comments are disorderly. I trust that I am in order in responding to the contributions of other members. Members who support the bill have argued that integrity is at stake. I do not wish to comment on incidents that occurred earlier in debate, other than to say it is ironic that members who raised arguments about integrity found themselves in an awkward position in the course of the debate.

The Hon. Walt Secord: Point of order: The Opposition knows what the honourable member is doing. If the honourable member wants to cast aspersions, she should do so by substantive motion.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I uphold the point of order. The matter to which the Hon. Catherine Cusack refers was canvassed and dealt with well before the dinner break. The Hon. Walt Secord withdrew his statement and apologised on the record. I invite the member to continue.

The Hon. CATHERINE CUSACK: Yesterday the ICAC received a 20 per cent increase in its budget. Currently, the funding of independent authorities is being reviewed by the Auditor-General. That review is a dispassionate and meritorious way in which to deal with this awkward matter. Members who are trying to leverage the funding issue must reflect on the fact that the ICAC was established by the Greiner Government back in the 1980s and that the issues those members are raising as being critical matters of integrity did not seem to be important during the years when Bob Carr, Morris Iemma and various other Labor members were in Parliament.

Connections have been made to the fact that in recent months the Premier has given evidence to the ICAC. My reading of the situation is the complete reverse of what members opposite are making of it during this debate. For decades the ICAC has been subject to the same constraints and accountabilities as every other government agency. It always wants more money, and I commend it for that. I commend every agency for putting forward budget bids to fund programs and work that they think are important. Certainly I do not criticise them for that. As a witness before the ICAC, the Premier was subject to exposure—if I can put it in those terms—that bewildered many of us in the Parliament and in the—

The Hon. Robert Borsak: Point of order: My point of order is relevance. I ask that the member be drawn back to the substance of the bill, which is the funding of the ICAC and other independent commissions.

The Hon. Sarah Mitchell: To the point of order: For the past 35 minutes I have been present in the Chamber, listening to debate on the bill. Traditionally, wide latitude is given to members during second reading debates. Some members have spoken about the Premier's recent appearance as a witness before the ICAC. Reverend the Hon. Fred Nile spoke about it. Mr David Shoebridge spoke about the ICAC's funding processes. That is exactly what the Hon. Catherine Cusack is doing. She is well within her rights to do so during the second reading debate on the bill.

The Hon. Walt Secord: To the point of order: The honourable member has not referred to the bill at any point during her contribution. Mr Assistant President has shown great patience. The member should be drawn back to the substance of the bill because she has yet to speak on a single clause of it.

The Hon. Wes Fang: To the point of order: The subject of the debate is a sober one and members should approach it in a sober, balanced and controlled manner.

The Hon. CATHERINE CUSACK: To the point of order: I am simply rebutting arguments that have been put by other members in their contributions to the debate. It is a debate.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Certainly it is but I do not think that the member is rebutting matters raised in debate that relate to the bill. I have given the member great latitude. I understand where she is going. I am prepared to let the member continue but I draw her attention back to the title of the bill. I ask the member to address the substance of the bill. I draw the attention of all members to the statement that the President gave prior to the dinner break and ask that all members behave civilly so that we can move on.

The Hon. CATHERINE CUSACK: I am not casting aspersions on anybody. I am simply defending our Premier in the face of what I consider to be considerable smears made against her during debate.

The Hon. Robert Borsak: Point of order—

The Hon. CATHERINE CUSACK: Frankly, it angers me that the members who made those smears should not have to hear the response.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The member will resume her seat.

The Hon. Robert Borsak: No attack has been made on the Premier. Clearly the bill is an exercise in trying to improve the funding arrangements for independent commissions. They are not agencies of the Government; they are independent commissions that are set up to make sure that the Government and all parties

related to government—Ministers and public servants et cetera—deal fairly and properly, and do not act corruptly. All the bill seeks to do is provide those commissions with independent funding. It is not an attack on the Premier. I do not recall anything in my second reading speech or in the bill itself that addresses the issue of the Premier giving evidence in the corruption investigation of her boyfriend.

The Hon. Natasha Maclaren-Jones: To the point of order: The first person to introduce a discussion about the Premier was the Hon. Walt Secord. At that time the matter was canvassed in some detail. The honourable member is simply responding and elaborating on comments that were introduced earlier in debate.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Those comments have been addressed already. They have been withdrawn and apologised for. I have given great latitude to the Parliamentary Secretary. One member strayed in his comments about the Premier. Those comments have been canvassed and addressed. No other speakers did so. I encourage the Hon. Catherine Cusack to speak to the substance of the bill.

The Hon. CATHERINE CUSACK: I believe I have spoken directly to the efforts that the ICAC has made over a long period to obtain increased funding. Substantially that is the subject of my contribution to debate on the bill. I want to respond to any suggestion that there is some kind of connection between the Premier giving evidence and the ICAC being within her portfolio, which has been an issue in the media and was raised in the debate. My personal reading of it is that it is potentially the other way around. The Premier has responded honourably by ensuring that the matter has been considered by the Auditor-General. That is the considered and measured way in which the matter should be considered.

All of us want independent agencies to be able to behave in an independent way. But, equally, we want transparency and efficiency and the ordinary efficiencies and requirements that apply to every government organisation. I am talking about those that apply to nurses and doctors in hospitals, teachers in our schools and policemen on the beat. Yes, it is special to be an independent accountability agency. But it is quite a step to go outside the taxpayer resources process that contributes to salaries and funds them to be operational, which all other agencies and frontline workers are exposed to. Maybe it is time to take that step. I look forward to the results of the Auditor-General's report and his thoughts on it. In fact, he is one of those agencies.

The Hon. Walt Secord: The Auditor-General is a woman.

The Hon. Adam Searle: Margaret Crawford.

The Hon. CATHERINE CUSACK: Margaret Crawford, yes. Did I say he?

The Hon. Walt Secord: Yes, repeatedly.

The Hon. CATHERINE CUSACK: That was in error. I congratulate you on picking me up. Margaret Crawford is an exceptional Auditor-General and someone who I know and have taken to lunch. If I said "he", well done to the Opposition for picking that up. To move forward on this issue, we can choose to go down a political line and have all kinds of mystery and conspiracy and shroud it in difficulty and drama, or we can go with the process that is in place, which is my suggestion in my response to the legislation before the House. I back the integrity of the processes that have been put in place by the Premier 100 per cent. They are no different to the processes that were in place in 1990 when the ICAC was established. That was 30 years ago and those processes have been observed under Labor and Liberal governments.

I put to the House that the idea that some drama has erupted is manufactured and fake and for political purpose. I urge members to be patient and to allow the independent processes to take place. I thank the Premier for the considered and measured way in which she is addressing the issues, particularly in the context of experiences she has had that I personally do not approve of. I am a big supporter of the ICAC but I do not understand what it has been doing. I thank members for the opportunity to put my remarks on record.

The Hon. ROBERT BORSAK (20:43:36): In reply: After that contribution I do not know what to say. I thank all members who contributed to the debate because it is important. I thank the Hon. Walt Secord; the Hon. Mark Latham, who is not in the Chamber—he is probably upstairs watching the footy; Minister Harwin, whose contribution was as disingenuous as it possibly could be; Reverend the Hon. Fred Nile; and the chair of the Public Accountability Committee [PAC], Mr David Shoebridge, who, as always, gave us a lecture on what we should be doing. I acknowledge that committee's great work, and I also acknowledge that I was one of the key people who helped to set it up.

Mr David Shoebridge: And a very loyal deputy chair.

The Hon. ROBERT BORSAK: Yes, and a very loyal deputy chair who turns up when he can. I also thank the Hon. Matthew Mason-Cox and the Hon. John Graham, and the Hon. Catherine Cusack for her contribution, which was totally incomprehensible to me. The bill is important because the future effectiveness of

the Independent Commission Against Corruption and other independent commissions is at risk. I emphasise that independent commissions are not agencies of government and should not be treated as such. That is what the bill is trying to achieve by acting on the recommendations that came from the ICAC, which is obviously feeling the pressure to do it. Whether it is happening under the Government or should have happened under a previous government is not for me to comment on. I simply say that in May 2020 the ICAC issued a report that made four clear recommendations, which I will not canvas again because we have talked about them ad nauseam and the bill addresses them. The ICAC Committee's report of November 2019, entitled *Review of the 2017-2018 Annual Reports of the ICAC and the Inspector of the ICAC*, contains recommendations that the New South Wales Government examine a new and independent model. Then there was the PAC's March 2020 report.

The Hon. Adam Searle: A fine report with excellent recommendations.

The Hon. ROBERT BORSAK: Yes, a fine report; an excellent report. I note that the Minister said that it is not finalised yet because there are more reports to come and more information to consider. But how long does it take for those people to think about this stuff? We need to get ourselves ready for the next election in case Labor wins.

The Hon. Adam Searle: I have no incentive.

The Hon. ROBERT BORSAK: Well, who knows if you are breeding another Eddie Obeid somewhere.

The Hon. Adam Searle: Not on this side of the House

The Hon. ROBERT BORSAK: Okay, not on that side of the House. The PAC's March 2020 report, entitled *Budget process for independent oversight bodies and the Parliament of New South Wales*, is an excellent report. It also contained recommendations to remove Executive Government from involvement in funding of the commission. But the recommendations of the 2020 New South Wales Independent Commission Against Corruption report are what inform the bill. I was using the "keep it simple, stupid" principle when I went after it. It is not an exercise in political opportunism. The reality is that the opportunity was created by the ICAC complaining about its current condition.

Mr David Shoebridge: In November.

The Hon. ROBERT BORSAK: Thank you, in November 2019. That is what brought the bill about, long before anyone heard about the relationship between the Premier and Dodgy Daryl. But members in this place try to deflect a good recommendation and a vote for the bill by trying to say in the most meandering way possible that it is all motivated by some sort of revenge or snuff movie about the Premier. The reality is that that is not the case. The ICAC's funding is not in a good condition and should be fixed. It is an absolute necessity that we take the report into proper consideration and review the funding models of the Law Enforcement Conduct Commission, the NSW Ombudsman and the NSW Electoral Commission. I note Mr David Shoebridge's comments about the Auditor-General and I am sorry I missed out on the Auditor-General. We should have worked harder and quicker in the PAC so that we could have thrown it in.

Mr David Shoebridge: Yes, I accept that.

The Hon. ROBERT BORSAK: I blame it on you; you are not working hard enough on those issues. I should not have to twist any member's arm when it comes to passing the bill. The Government must carefully consider the optics of not supporting the bill, especially at this time. If it does not grasp this opportunity, it will signal to the people of New South Wales that it is unhappy with a cop on the beat who holds it as well as local government and any other government-related agency to account. The bill is a test of governance for the Coalition. Without the ICAC we would never have known about Eddie Obeid or Dodgy Daryl Maguire. We also would not have known about the activities and interactions between the Premier and Dodgy Daryl. The Premier has the opportunity to rise above the embarrassment of those revelations and lock in best practice by appropriately funding the ICAC and other independent bodies.

Given the rivers of expenditure and cash forecast in the budget yesterday, there will be massive opportunity for corruption. Equally, budget increases for the ICAC and others are not material in the overall scheme and magnitude of the budget, especially over four years. The Government is talking about a debt of \$104 billion. The ICAC has an average budget of roughly \$25 million a year. How can an organisation like that properly scrutinise the activities of what is, by any measure, a large corporation that is the New South Wales Government? In fact, the New South Wales Government is the largest employer in Australia. The ICAC has a role but, in my view, its budget is not significant enough to properly fulfil that role.

The ICAC must be sufficiently funded to rise to the occasion and protect the revenue and the taxpayers of New South Wales. Only a few years ago there was another instance where the Government's integrity was questioned. It was the Camellia property purchase. According to the New South Wales Valuer General, the

Government paid three times the amount the land was worth at the time. That is clearly another shonky deal done under this Government's watch. We have seen the result of some of that today perhaps with a key resignation in the Transport portfolio. This deal needs a review, an explanation and some sunlight and transparency. If the ICAC is to operate to its full capacity—

The Hon. Natasha Maclaren-Jones: Point of order: I remind the member that this is a reply speech. He is to reply to matters raised in relation to the content of the bill, rather than introducing new material.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The member should return to the leave of the bill.

The Hon. ROBERT BORSAK: I am talking to the bill. While other members have been given very wide latitude in their contributions, which seemed to meander all over the place, I am trying to stick to the point. If the ICAC is to operate to its full capacity, it needs to be appropriately resourced, as do all other independent commissions. I will finish with a quote from the inspector in the 2020 *NSW Independent Commission Against Corruption Special Report*, published on 18 October 2019:

... to ensure the ultimate statutory independence of the Commission, funding for it should be determined via a non-politicised process and one that is not subject to bureaucratic management or oversight. A consideration of the current funding model to one which takes into account the entirety of the Commission's ever increasing workload, particularly following the introduction of the three Commissioner model would ensure that the Commission can continue to expose and investigate serious corrupt conduct.

I commend the bill to the House.

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

The House divided.

Ayes22
Noes14
Majority.....8

AYES

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

Graham
Hurst
Jackson
Latham
Mookhey
Moriarty
Moselmane

Nile
Primrose
Roberts
Searle
Secord
Sharpe
Shoebridge

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)

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

Mitchell
Taylor
Tudehope
Ward

PAIRS

Houssos
Veitch

Franklin
Mallard

Motion agreed to.

Third Reading

The Hon. ROBERT BORSAK: I move:

That this bill be now read a third time.

Motion agreed to.

*Documents***DARYL MAGUIRE, FORMER MEMBER FOR WAGGA WAGGA****Production of Documents: Order**

The Hon. MARK LATHAM: I move:

That private members' business item No. 931 outside the order of precedence be considered in a short form format.

The Hon. MARK LATHAM (21:03:20): I seek leave to amend private members' business item No. 931 outside the order of precedence for today of which I have given notice by omitting "Martin Vane-Tempest" and inserting instead "Matthew Vane-Tempest".

Leave granted.

The Hon. MARK LATHAM: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Premier; Department of Premier and Cabinet; Department of Communities and Justice; Department of Transport; Transport for NSW; Minister for Transport and Roads; Greater Sydney Commission; Department of Planning, Industry and Environment; or the Minister for Planning and Public Spaces, relating to interests and representations by Mr Daryl Maguire:

- (a) all documents created since 1 January 2017 relating to compliance by Ms Gladys Berejiklian, MP, under the Australian Government's Protective Security Policy Framework and NSW Police Force security guidelines and requirements, regarding:
 - (i) her relationship with Mr Daryl Maguire;
 - (ii) Mr Maguire's association with Chinese United Front groups and Chinese State corporations;
 - (iii) Mr Maguire's association with Helen Liu, Humphrey Xu and Huang Xiangmo; and
 - (iv) any security incidents involving Mr Maguire.
- (b) all documents created since 3 April 2011 concerning the route determination and station locations for the Parramatta Light Rail which affected the property interests of Charlie Demian, Demian Developments or the Demian Group, in the Camellia precinct and at 181 James Ruse Drive, including related representations, meetings and lobbying involving Mr Daryl Maguire;
- (c) all documents created since 1 January 2016 relating to the property interests of Country Garden Holdings, Country Garden Australia at Cawdor, including documents regarding road interchange proposals, route determination and land rezoning for the M9 Outer Sydney Orbital corridor and all interests of or representations by Mr Daryl Maguire;
- (d) all documents created since 1 July 2016 which disclose how Country Garden Holdings, Country Garden Australia and Mr Daryl Maguire gained information about the M9 Outer Sydney Orbital project, including as discussed or investigated by Rodd Staples, Tim Raimond, Clare Gardiner-Barnes, Geoff Cahill, Matthew Vane-Tempest, Rachel Simpson and Kim-Irene Danicska; 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.

This amendment has several components but the one I address in the time available to me goes to this Cawdor land scandal which I outlined earlier in the evening, speaking to the bill for a truly independent ICAC. I quote from two documents to show the House why a further call for papers is well and truly justified. The first is this article in *The Daily Telegraph* of 5 June 2018 that reads as follows:

A Chinese property developer has paid a farming family on the outskirts of Sydney \$69.88 million to secure land it knew would benefit from the new M9 orbital corridor—before locals were made aware of the path it would take. Hong Kong-listed Country Gardens, which is so big it almost bought out apartment giant Meriton three years ago, swooped on six parcels of land owned by 90-year-old Beryl Rofe and her family at Cawdor late last year. It immediately requested planners consider this land for special development consideration. Country Gardens total outlay of \$85.4 million on Cawdor Rd makes it the owner of all but a few blocks on the rural valley road, spanning 364ha.

Three months before hundreds of semi-rural property owners were warned their houses would be acquired and knocked down and plans for a 200 metre-wide road and freight rail corridor were approved, the \$30 billion company called on the Greater Sydney Commission to build an M9 interchange on its site. If executed, the plan would ramp up the profit potential by providing efficient transport links to Badgerys Creek to the north and Wollongong to the south.

I also point out that that interchange would be the logical point from the tunnel that was ultimately approved to access Picton to the south and Camden to the north. Regular practice is that you normally find an interchange at the end of a tunnel as traffic exits and other traffic moves into that particular tunnel. That raises the question: How did Country Garden know the corridor was about to be allocated three months before the official government announcement? Everyone was asking after that *Telegraph* article and the Leader of the Opposition at the time, Luke Foley, said this was the Nostradamus developer who seemed to know before anyone, predicting the future that the corridor was going through. Country Gardens put in an application to the Greater Sydney Commission for the interchange at the corner of Remembrance Drive and Cawdor Road. Then lo and behold when the tunnel

was approved, the arrows indicate that is where it would come out and logically in planning there would be an interchange.

Furthermore, local residents would say—it was on the front page of the local paper this week—that everything was moving so quickly, seemingly because Country Garden was involved, under the guidance of Daryl Maguire. But in the 2½ years since Maguire was busted and the whole scam fell apart, nothing has happened. They have not preserved any of the corridor, gazetted any of the land and the residents are up in arms. They are saying, "You moved so quickly for a six-month period, scared the pants off us and we have got no satisfaction now that land is going to be gazetted and acquired. We have been left in limbo." When Maguire drops out, the whole project grinds to a halt, again raising the suspicion.

Then we come to a document from an earlier Standing Order 52 that is non-privileged. This is an email dated 9 August 2018 from Geoff Cahill, one of the corridor reservation planners in Transport for NSW, to Tim Raimond, who is effectively his boss—I think he is now a big transport planner in New South Wales. It says, "Tim, Rachel Simpson"—she is the Principal Manager, Parliamentary Services, Transport for NSW, "has contacted me and asked if we've spoken to Country Gardens during the corridor identification process. I advised that I believed we did not and that no-one in the team has. Also, we have no record of talking to them in the consultation management." There is obviously an investigation underway from Geoff Cahill, Director of Transport Preservation in Transport for NSW, basically asking the question how did Country Garden get all this inside information? Where did it come from, who spoke to them? The investigation is underway.

This Standing Order 52 motion calls for all the papers related to that investigation to solve the mystery of who gave Country Garden the inside information? Who gave them the inside running ahead of even the local Liberal members of Parliament and certainly every resident in the district, to spend so much money so early and to put in an application for the interchange planning? How did they know so much about this project ahead of anyone else? There is an investigation underway. We need all the documents to get to the bottom of that. The local people are saying: How did Country Garden know? It knew because it had Maguire and he had Gladys. [*Time expired.*]

The Hon. NATASHA MACLAREN-JONES (21:08:59): The Government does not oppose the motion.

The Hon. ADAM SEARLE (21:09:03): Neither does the Opposition.

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

Motion agreed to.

Motions

COMMENCEMENT OF THE MODERN SLAVERY ACT 2018 (NSW)

The Hon. ADAM SEARLE: I move:

That private members' business item No. 871 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (21:09:40): I seek leave to amend private members' business item No. 871 outside the order of precedence by inserting the word "almost" before the word "unanimously" in paragraph (1) (c).

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

- (1) That this House notes:
 - (a) the terrible scourge of modern slavery across the world and here in Australia;
 - (b) there is strong public support in acting to end modern slavery practices;
 - (c) the Modern Slavery Act 2018 (NSW) was enacted by this Parliament almost unanimously and with great goodwill across the political landscape;
 - (d) the Berejiklian Government has not brought the Modern Slavery Act 2018 (NSW) into force and effect over the last two years, despite the Premier herself introducing the legislation into the Legislative Assembly;
 - (e) earlier this year, the Berejiklian Government delayed the commencement of the Modern Slavery Act 2018 (NSW) pending an inquiry by the Social Issues Committee of this House, which has since tabled its report on 25 March 2020;
 - (f) the Berejiklian Government now proposes further delay in commencing the Modern Slavery Act 2018 (NSW), pending discussions with the Federal Government about "harmonising" the State and Commonwealth modern slavery legislation;

- (g) the Berejiklian Government has not set any time frame on discussions with the Federal Government on the issue of harmonising the State and Commonwealth modern slavery legislation;
 - (h) the Standing Committee on Social Issues Committee and this House (as resolved on 13 May 2020) have set 1 January 2021 as the date upon which the Modern Slavery Act 2018 (NSW) should commence; and
 - (i) the Berejiklian Government has not committed to commencing the legislation on 1 January 2021 or any other definite time.
- (2) That this House finds the continual delay in commencing the Modern Slavery Act 2018 (NSW) by the Berejiklian Government to be unacceptable.
 - (3) That this House will regard a failure by the Berejiklian Government to commence the Modern Slavery Act 2018 (NSW) by 1 January 2021, in accordance with the will of the House and the recommendations of the Social Issues Committee report, as a contempt of this House and hold the Leader of the Government accountable as the representative of the Government in this Chamber.

This motion essentially sets out the sad history of the Modern Slavery Act. It emerged from a parliamentary inquiry on which the Hon. Paul Green, a former Christian Democratic member of this House, served with the Hon. Greg Donnelly. It was an important piece of work that they and the Parliament did. It inspired a piece of legislation which, despite its many drawbacks—on our side of the House we felt that it was not nearly as robust and strong as it could have been—was nevertheless world-leading. It was better than the Commonwealth Act.

Mr David Shoebridge: Better than the UK Act.

The Hon. ADAM SEARLE: Better and stronger than the UK Act. It was stronger because it had a lower threshold to catch people. It also had penalties, which the Commonwealth Act does not have. It had a robust supply chain interrogation mechanism necessary to identify and drive out modern slavery. For reasons that have never been adequately explained, this Government has failed to have the legislation proclaimed even though it was the Premier herself who introduced it into the other place. With the exception of the sole dissenter in this place, the Hon. Dr Peter Phelps, for whom I have great respect as a parliamentarian, political parties and MPs from across the spectrum warmly supported this legislation. Dr Phelps did not support it and he spoke strongly against it in this House.

It had such a foundation of goodwill inspired from a good place. It has not been brought into force and effect. The first thing the Government did post-election was refer it off to an inquiry. The inquiry was armed with the Government's own draft amending legislation and a draft regulation which, assuming one accepted the Government's argument that there was a problem, would fully address it. But that was not good enough for the Government. There had to be an inquiry. That inquiry recommended that the legislation commence no later than 1 January 2021. I brought a motion to this House trying to bring that proclamation date forward to 1 July. We were getting the feeling from the community and those non-government organisations working in the space that they wanted an earlier commencement.

The will of this House was to be consistent with the report of the Standing Committee on Social Issues in laying down a marker of 1 January 2021. We have assembled the sad history. If the Government does not proclaim it on 1 January, there is no reason why it cannot. It had all the inquiries and looked into it as much as it wants to. If it wanted to make amendments to the legislation, it can. It is now saying that it is negotiating with the Commonwealth. It has set no deadline for those discussions to come to an end and has not given us any visibility of the considerations. We think it is a contempt of this place for the Government to keep refusing to commence an Act that was brought into being with goodwill across the political spectrum. I urge honourable members to support the motion before the House.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (21:14:12): I will make a brief contribution on the debate before the House. The Government opposes the motion. I am sure that I share the contempt that all members in this place have for modern slavery in all its forms and recognise it is indeed a terrible scourge on our society. Because we shared this abhorrence, the Parliament supported legislative measures to combat modern slavery. As has been well canvassed in this place, the Act that was passed contained a number of legal and operational difficulties requiring amendment before it could be commenced. To this end, the Government referred to the Standing Committee on Social Issues an inquiry for its consideration and report. Following receipt of the Government's report, the Government supported a great many of the committee's recommendations, including its principal recommendation that the Government proceed with amending and then commencing the Modern Slavery Act.

The Government has made its position on the Modern Slavery Act abundantly clear, but for the benefit of the House I will go through the Government's position. The Government supports amending the Act in line with the following principles: harmonising the New South Wales Act with the Commonwealth's Modern Slavery Act with respect to the supply chain reporting threshold and retaining components of the New South Wales Act that

complement the Commonwealth Act and which are not inconsistent with it. This includes establishing the New South Wales anti-slavery commissioner together with its public awareness and advisory function, ensuring that goods and services procured by New South Wales Government agencies are not the product of modern slavery, and increasing support and assistance for victims of modern slavery.

As to process, the Government has already written to the Commonwealth on the issue of harmonisation and expressed its preference for a supply chain reporting threshold of \$50 million consolidated revenue. The Government is now waiting on the Commonwealth's response. The Government supports amending the Act and commencing its operation once discussions with the Commonwealth have concluded. It is important to establish what the Government has done thus far and the process for going forward given this motion sets a deadline to commence the Act by 1 January 2021. The motion calls the delay in commencing the Modern Slavery Act "unacceptable" and also states that, if the Act is not proclaimed by 1 January 2021, it will regard this as a contempt of the House. I seek an extension of time.

Leave granted.

It is plainly the case that, with a month and a half to go before the deadline set by the motion, the Modern Slavery Act is unlikely to be in a state to be proclaimed. Further, with less than a week and a half of sitting weeks left, there is little scope to introduce a bill to amend the Act to address its legal and operational difficulties. The Government is consulting with the Commonwealth about forging a new, harmonised way forward on this important, sensitive and complex issue; however, it is committed to ensuring that the Act is amended and that administrative arrangements for an anti-slavery regime are set in place. Until then, the Government is not going to be rushed into proclaiming legislation that is not capable of being operative or fit for purpose on the back of this motion calling for a 1 January 2021 deadline. The Government will be opposing the motion.

Mr DAVID SHOEBRIDGE (21:18:33): On behalf of The Greens, I indicate our support for this motion. I will not repeat the history that is contained in the motion other than to note that the Modern Slavery Act was passed in 2018 towards the end of the last Parliament. Indeed, it was introduced by the Premier herself in the other place. There were many policy differences between my party and the Hon. Paul Green from the Christian Democratic Party, but he genuinely led the Parliament down the path of legislating in relation to modern slavery.

He had a personal and principled conviction in relation to the scourge of modern slavery. He devoted a substantial amount of his political capital, which he could have used for other purposes, to getting this legislation through the Parliament. He negotiated in good faith with the Premier. Like the Leader of the Opposition, at the time I was probably critical of him giving away too much in those negotiations with the Premier. Notwithstanding that, the legislation that was produced by this House and ultimately passed by the other place was and still is world leading. It is some of the only legislation on the planet with meaningful penalties for modern slavery, an empowered commissioner, clear and transparent reporting obligations, including supply chain reporting obligations, that deals with issues like trafficking in human tissue.

It was comprehensive, considered, intelligent and far-reaching legislation. If it were in place now, it would have been preventing people from being exploited in slave-like conditions around the globe and preventing us being the beneficiaries of slave-like conditions in our country, our State and the rest of the world. What has the Government done? It has failed to ensure that it gets the signature of the Governor and finds its way into law. It came back to this House with the referral to the Standing Committee on Social Issues last year. We reported back in May of this year. I was part of a negotiation that gave the Government the generous deadline of 1 January next year to put it in place. I know that others would have liked an earlier deadline, but we said that it allows plenty of time. It is the appropriate amount of time to get the legislation in place and the administrative arrangements in place. It was plenty of time and it remains plenty of time. I finally say this to the Leader of the Government in this House: The way to cure the contempt issue is to bring legislation on the first sitting day. If he introduces the motion and shows that he is willing to legislate on the first sitting day when we return, then we will not move on the contempt motion.

The Hon. GREG DONNELLY (21:21:42): I thank the Leader of the Opposition for this important motion. I thank him for his support over a long period of time for this particular policy area. Many of the matters that I was going to cover have already been canvassed by other members who have contributed to the debate. I will fill in a couple of gaps and make some additional comments that are not repeating what has been said. I have a chronology, which I would submit is a very sad chronology that I got my office to look at when all this started. One can go back to 9 November 2016, which was when the original Select Committee on Human Trafficking in New South Wales, chaired by the Hon. Paul Green, was established.

Four years ago, the New South Wales Parliament commenced an exercise to look at modern slavery and slavery-like practices. Jumping all the way forward to 19 October 2017, the Legislative Council's Select Committee on Human Trafficking in New South Wales tabled its final report. On 13 February 2018, the Hon. Paul

Green gave notice to introduce the Modern Slavery Bill 2018. On 8 March 2018, the Hon. Paul Green gave his second reading speech. On 31 May 2018 the Government's response to the original inquiry was tabled in the Legislative Council. After that there is a compression of dates, but the process happened very quickly and in an orderly way. The Government's response was tabled in May. Less than two months later, in June, the Modern Slavery Bill 2018 passed the New South Wales Parliament.

As the Leader of the Opposition indicated, all but one member across both Houses of this Parliament supported that legislation. It received royal assent on 27 June 2018. Thereafter, as I have described, it was put into the deep freeze by the Government. By that I mean that even though the Government secured royal assent, it then decided quietly—telling nobody—to not have the legislation proclaimed and thus entered onto the statute books. It was only in May 2019, after some questions to the Leader of the Government in the House, that it was revealed that the legislation had not been proclaimed. As the Hon. Adam Searle said, the Government's response was—*[Time expired.]*

Reverend the Hon. FRED NILE (21:24:59): In a sense I am following on from the fine introduction by the Hon. Greg Donnelly, who has had a genuine and deep interest in this bill and has followed it consistently through all of the years since it was passed by this House. The Government is obviously allowing a delay to occur, and the delay makes a mockery of this Chamber. The Chamber has followed all of the correct procedures. It has had inquiries, it has all of the reports and now we find that the one simple little step of proclaiming the bill is delayed by the Government. It is almost automatic. After all, these things are done for all other bills. When a bill gets to that point—after going through a committee, being passed by the House, et cetera—it is automatically proclaimed. I have never heard of a bill going through all of those stages and then just sitting on the shelf. It means that some strategic decision has been made by Government members to not proclaim and enact the bill. It means that it does not become legislation with teeth, that actually functions as was intended by members of this House—and by the community, given all of the feedback on the legislation.

The Hon. Dr Peter Phelps may have had some reservations about it, but I have heard no criticism of this legislation from anybody from right across the political spectrum. There has been a united community response. In fact the embarrassment is—and I assume that this happens to the Hon. Greg Donnelly—people ask us why it has not been implemented. We are members of the Parliament and the public knows that it has been passed by the Parliament. There is a great deal of frustration out there in the community about why this bill has not been proclaimed. Why the delay? Who is delaying this bill? We have always assumed and I still assume that the Premier herself is not delaying it, because she was the one who introduced it in the other place. She spoke warmly and supportively of the legislation. There has to be some other blockage in the Government procedures, whether it is in the financial area or the Treasury area. I hope that it is not the Leader of the Government in this House who is doing it, but some person is deliberately delaying the bill to stop it from actually being implemented, when it is 99 per cent correct. There may be a minor amendment and we could pass those amendments in five seconds. Please, let us get this bill passed and working. *[Time expired.]*

The Hon. MATTHEW MASON-COX (21:28:16): At the outset I acknowledge the Hon. Paul Green, our former colleague, who spent a great deal of time advocating for this issue. He was incredibly passionate. I remember being part of the Select Committee on Human Trafficking in New South Wales. The Hon. Natasha Maclaren-Jones was the deputy chair of that committee and the Hon. Greg Donnelly was a member of it as well. It was a great and insightful inquiry. We discovered much that was hidden in relation to the world of modern slavery, even here in Australia. It was very sobering on many fronts. Following that inquiry and the Government's response, there was a move to set up a working committee of members led by the Hon. Paul Green to actually develop the legislation. Obviously that legislation came into this place. With the exception of my old colleague and good friend the Hon. Dr Peter Phelps, it was passed unanimously by both Houses of Parliament.

Indeed, one of the reasons it was driven so hard by the Hon. Paul Green is that we wanted to get something done in New South Wales to push the Commonwealth on its own legislative basis for outlawing modern slavery. Nothing was being done by the Commonwealth, and the responsible Parliamentary Secretary or junior Minister at the time was one Alex Hawke. It was important to drive the legislation forward in New South Wales to incentivise the Commonwealth to get its legislation moving. We were successful in doing that. That was a very important consideration.

I understand that the Government is now negotiating with the Commonwealth to deal with a couple of aspects. The Government has not covered itself in glory on those fronts. Internally, I have been critical in that regard but I understand that the process is well advanced. The Government has an opportunity to settle the issue quickly. I again lend my voice to those voices here tonight that have urged the Government to finalise the legislation and to bring it in on the first day when we come back in the new year. My final comment is that, in terms of the threat of contempt, I am not sure that is the right way to go about it. That is quite an extraordinary step. We need to be careful about how we use the processes of the House. This place should urge in the strongest

possible voice that the legislation must finally be proclaimed. I will not support the motion, for the reason of contempt.

The Hon. ADAM SEARLE (21:31:25): I thank members for their contributions to debate on the motion, including the Hon. Matthew Mason-Cox, Reverend the Hon. Fred Nile, my friend and colleague the Hon. Greg Donnelly, Mr David Shoebridge and, of course, the Leader of the Government. I would have more sympathy for the position of the Government about the time frames and the fact that there is only a week left to go in the parliamentary sitting calendar if the Government had not had 2½ years and if it had not been the better part of a year, or some eight months, since the Standing Committee on Social Issues handed down its report.

I remind the Government that tomorrow, eventually, we will debate the energy package. That far-reaching, vital, important piece of economic architecture was introduced last week. Despite the complexity of those issues, the House did not vote to punt it off to a committee, nor to delay it over the summer period in order to inquire into its many facets and to see whether we should kick the tyres more before we get it up and running. We know how important it is to address those issues. But modern slavery is also important and that matter has been delayed for too long. To the point that was raised by the Hon. Matthew Mason-Cox, I understand his reservations about the contempt part of the motion. But we are making sure that the voice of this place is heard by the Government in the strongest possible terms.

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

The House Divided.

Ayes22
Noes 14
Majority.....8

AYES

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

Graham
Hurst
Jackson
Latham
Mookhey
Moriarty
Moselmann

Nile
Primrose
Roberts
Searle
Secord
Sharpe
Shoebridge

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)

Franklin
Harwin
Khan
Maclaren-Jones (teller)
Mallard

Martin
Mitchell
Tudehope
Ward

PAIRS

Houssos
Veitch

Mason-Cox
Taylor

Motion agreed to.

Documents

SCHOOL INFRASTRUCTURE NSW

Production of Documents: Order

The Hon. ANTHONY D'ADAM: On behalf of the Hon. Courtney Houssos: I move:

That private members' business item No. 896 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ANTHONY D'ADAM (21:42:50): On behalf the Hon. Courtney Houssos: I seek leave to amend private members' business item No. 896 by:

- (a) omitting "Department of Education" and inserting instead "School Infrastructure NSW"; and
- (b) omitting "each 2019-20 Works in Progress Summary for the electorates of" and inserting instead: "each SINSW 2019-20 Works in Progress Summary for the electorates of"

Leave granted.

The Hon. ANTHONY D'ADAM: On behalf of the Hon. Courtney Houssos: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the School Infrastructure NSW or the Minister for Education and Early Childhood Learning relating to 2019/20 Works in Progress Summary:

- (a) each SINSW 2019-20 Works in Progress Summary for the electorates of:
 - (i) Albury;
 - (ii) Balmain;
 - (iii) Bankstown;
 - (iv) Barwon;
 - (v) Baulkham Hills;
 - (vi) Blacktown;
 - (vii) Blue Mountains;
 - (viii) Cabramatta;
 - (ix) Canterbury;
 - (x) Castle Hill;
 - (xi) Cessnock;
 - (xii) Charlestown;
 - (xiii) Clarence;
 - (xiv) Coffs Harbour;
 - (xv) Coogee;
 - (xvi) Cootamundra;
 - (xvii) Cronulla;
 - (xviii) Davidson;
 - (xix) Dubbo;
 - (xx) Epping;
 - (xxi) Fairfield;
 - (xxii) Gosford;
 - (xxiii) Granville;
 - (xxiv) Heffron;
 - (xxv) Holsworthy;
 - (xxvi) Keira;
 - (xxvii) Kiama;
 - (xxviii) Kogarah;
 - (xxix) Lake Macquarie;
 - (xxx) Lakemba;
 - (xxxi) Lane Cove;
 - (xxxii) Londonderry;
 - (xxxiii) Maitland;
 - (xxxiv) Manly;
 - (xxxv) Maroubra;
 - (xxxvi) Monaro;
 - (xxxvii) Mount Druitt;
 - (xxxviii) Murray;

- (xxxix) Myall Lakes;
 - (xl) Newcastle;
 - (xli) Newtown;
 - (xlii) North Shore;
 - (xliii) Northern Tablelands;
 - (xliv) Oatley;
 - (xlv) Oxley;
 - (xlvi) Parramatta;
 - (xlvii) Port Macquarie;
 - (xlviii) Port Stephens;
 - (xlix) Prospect;
 - (l) Rockdale;
 - (li) Ryde;
 - (lii) Shellharbour;
 - (liii) Strathfield;
 - (liv) Summer Hill;
 - (lv) Swansea;
 - (lvi) Tamworth;
 - (lvii) Terrigal;
 - (lviii) The Entrance;
 - (lix) Tweed;
 - (lx) Upper Hunter;
 - (lxi) Vaucluse;
 - (lxii) Wagga Wagga;
 - (lxiii) Wakehurst;
 - (lxiv) Wallsend;
 - (lxv) Willoughby;
 - (lxvi) Wollondilly;
 - (lxvii) Wollongong; and
 - (lxviii) Wyong.
- (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.

Broadly, the Opposition is seeking a specific breakdown of projects being completed in each electorate by School Infrastructure NSW. We request a concise summary of the projects undertaken in each electorate. There has been some discussion with the Government to narrow the scope of the application, so I understand that the Government will agree to the motion.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (21:44:00): The Government will not oppose this motion. As the Hon. Anthony D'Adam said, we have negotiated to narrow the scope of the request and the Government is happy to provide the documents that the Opposition is seeking.

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

Motion agreed to.

NSW POLICE FORCE

Production of Documents: Order

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 938 outside the order of precedence be considered in a short form format.

Mr DAVID SHOEBRIDGE (21:45:01): I seek leave to amend private members' business item No. 938 by inserting after paragraph (viii):

- (ix) whether the claim was made by a civilian, or a current or former officer or employee of the NSW Police Force,

Leave granted.

Mr DAVID SHOEBRIDGE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents in the possession, custody or control of the NSW Police Force, the Minister for Police and Emergency Services or the Department of Communities and Justice relating to civil claims and the NSW Police Force:

- (a) any documents which disclose, in each of the last seven financial years, for all civil cases where claims for compensation, damages or other civil remedies have been sought by plaintiffs or applicants against the State of New South Wales, the NSW Police Force or the Commissioner of Police, based upon torts committed by members of the NSW Police Force:
- (i) details of the outcome or means of finalisation of each claim;
 - (ii) wherever applicable, the amount paid for each settlement concluded;
 - (iii) wherever applicable, the amount paid for each settlement for the plaintiff's or applicant's legal costs;
 - (iv) the amount incurred in defending each claim, including documents which disclose the specific amounts paid for fees and disbursements for professional fees paid to legal firms, counsel's fees paid, expert fees paid, and any other disbursements incurred in defending such civil actions;
 - (v) wherever applicable for cases finalised by way of judgements or orders of the Supreme Court of New South Wales, the number of cases finalised, the amount of each judgement, and the amount paid for the plaintiff's or applicant's legal costs;
 - (vi) wherever applicable for cases finalised by way of judgments or orders of the District Court of New South Wales, the number of cases finalised, the amount of each judgement, and the amount paid for the plaintiff's or applicant's legal costs;
 - (vii) wherever applicable for cases finalised by way of judgements or orders of the Local Court of New South Wales and any other court or tribunal, the number of cases finalised, the amount of each judgement, and the amount paid for the plaintiff's or applicant's legal costs;
 - (viii) wherever applicable, the costs associated with each matter that has been settled out of court or results from a court ordered judgement, including documents which disclose the specific amounts for costs and disbursements paid by way of payments to plaintiffs and the costs of defending the proceedings;
 - (ix) whether the claim was made by a civilian or a current or former officer or employee of the NSW Police Force; and
 - (x) all confidentiality agreements or non-disclosure clauses applied to matters which have settled out of court.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion seeks transparency about civil claims made against the police. Because of our generous nature, The Greens have provided the full 28 days for the data to be provided. The transparency is useful and I commend the motion to the House.

The Hon. JOHN GRAHAM (21:45:49): I indicate that the Opposition supports the motion.

The Hon. NATASHA MACLAREN-JONES (21:45:58): The Government does not oppose the motion.

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

Motion agreed to.

THE HON. GLADYS BEREJIKLIAN

Production of Documents: Order

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 942 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (21:46:43): 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 Premier relating to funding grants and the Premier:

- (a) the following documents created since 1 May 2018 relating to funding grants allocated under the Stronger Communities Fund, tied grants round:
- (i) all documents concerning the assessment and approval process for determining funding allocations, including records relating to administration processes and final approvals;

- (ii) all documents relating to the identification or canvassing of projects to be included in the funding round;
 - (iii) all documents relating to the assessment process under which projects were selected;
 - (iv) all documents relating to Hornsby Shire Council's claim that they had been disadvantaged as a result of local government amalgamations;
 - (v) all documents relating to the June 2018 amendment of the guidelines for the tied grants funding round, including the rationale for the changes; and
 - (vi) all declarations of conflicts of interest, including all related documents.
- (b) all correspondence created since 1 May 2018 between the Premier and Mr Daryl Maguire, relating to the administration of the Stronger Communities grants, the Stronger Country Communities grants, the Regional Cultural Fund, the Greater Sydney Sports Facility Fund and the Regional Sports Infrastructure Fund, including all correspondence relating to the selection of grants;
 - (c) all correspondence created since 22 January 2017 between the Premier and Mr Daryl Maguire, relating to the Premier's Discretionary Fund;
 - (d) all documents created since 22 January 2017 relating to advice on the record retention and disposal responsibilities and obligations of ministerial offices and staff; and
 - (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The Opposition has canvassed the issues regarding the Premier's office extensively. I will not add to that debate. The Public Accountability Committee is currently dealing with the first round of the first grants system of the six grant systems that it will be examining. The committee anticipates coming back with further requests. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:47:11): This is a continuation of the abuse of Standing Order 52 requests. In the circumstances of the season, the Government will not oppose the motion.

Mr DAVID SHOEBRIDGE (21:47:36): On behalf of The Greens, I indicate our support for the motion. I do so also as chair of the Public Accountability Committee, which is undertaking the inquiry. The 21-day turnaround is important. We need this information before the 9 December hearings, when we will have additional witnesses before us to try to shed light on this matter. The Government says this is an abuse of Standing Order 52. Had it not been for interrogation through estimates, questions on notice and Standing Order 52 requests, the public would have no knowledge whatsoever of a \$252 million grants scandal. This is far from an abuse; it is seeking to uncover and shine light upon abuse. I commend the motion to the House.

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

Motion agreed to.

Motions

AUSGRID

The Hon. MARK BUTTIGIEG: I move:

That private members' business item No. 878 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BUTTIGIEG (21:49:10): I move:

- (1) That this House notes that:
 - (a) on 19 October 2020, in the middle of a global pandemic and a recession, Ausgrid announced that 230 jobs would be cut. A further 270 jobs will also be axed prior to 2024;
 - (b) Ausgrid has been moving to outsource its permanent employed workforce with insecure contract work with poor working conditions;
 - (c) Ausgrid has failed to sincerely present all relevant information to the unions, regarding the proposed outsourcing, including the impact of those changes on employees and processes to mitigate the adverse impact on staff;
 - (d) in reference to Ausgrid's most recent job cuts, Richard Gross, Ausgrid's CEO, stated the redundancies were "to keep the lights on for households" and make "energy as affordable as possible";
 - (e) Richard Gross cut 365 jobs in 2019, resulting in Ausgrid failing to deliver and complete \$35 million worth of work that had been scheduled;
 - (f) 5,000 jobs have been taxed at Ausgrid since the company was privatised in 2015;
 - (g) Ausgrid has been failing to deliver essential services with its already reduced workforce. Within the last year, Ausgrid was unable to adequately respond to storms in New South Wales. The lack of adequate staffing resulted in

an unprecedented plea from Ausgrid to the Government to call in the army for support—a public concession that they did not have enough resources;

- (h) cutting the jobs of highly experienced and skilled workers will only adversely impact the people of New South Wales;
 - (i) the privatisation of Ausgrid has been a failure for New South Wales residents, despite promises from the Liberal and National Government. Instead of lower prices and higher reliability we have witnessed increased blackouts and delays in restoration of power and increases in electricity prices;
 - (j) the Government is still a significant shareholder, 49.6 per cent; and
 - (k) at the time of privatisation, members of the Government stated that they would retain significant control and oversight of the leased electricity entities, yet the Government has not exercised any interest in using this control and oversight on behalf of the New South Wales taxpayers.
- (2) That this House calls on:
- (a) the CEO of Ausgrid to reverse the decision to axe the jobs of highly skilled and experienced workers, which are needed to ensure that the residents of our State receive adequate electricity services and supply; and
 - (b) the Government, as a major shareholder and owner of Ausgrid, to protect workers during a global pandemic by delaying for these job cuts to be halted and engage in proper consultation with unions and employees.

On 19 October 2020, amidst a global pandemic and a recession, Ausgrid announced that 230 jobs will be cut in January 2021. A further 270 jobs are proposed to be axed prior to 2024. That is 500 jobs in total. Since privatisation, Ausgrid has shed over 2,000 jobs. The further cuts will take the total job cuts towards 3,000 jobs lost in Ausgrid alone—

Reverend the Hon. Fred Nile: Shame!

The Hon. MARK BUTTIGIEG: —and a total of 5,500 in the New South Wales supplier authorities, including Ausgrid, Endeavour Energy, TransGrid and Essential Energy. I note the interjection of my colleague, Reverend the Hon. Fred Nile, who instituted job guarantees. I will touch on that in a minute. The job guarantees that were built into the legislation were meant to act as a brake on job losses. The Electricity Network Assets (Authorised Transactions) Act 2015 mandates that a minimum of 3,570 staff members stay employed. It is now at approximately 2,700 staff members at the end of the regulatory period, which is well below the safe minimum as contractors and outsourcing do not make up the numbers of that minimum.

To slash more jobs is not just cutting to the bone but cutting into the bone. It will exacerbate the problems we have already experienced, whereby customers are left without power for longer periods because there are not enough staff members to dispatch quickly to fix damaged electricity mains and apparatus. That is all occurring while Ausgrid attempts to outsource its permanent workforce by continually contracting out core functions that are normally undertaken by full-time internal staff members. Disturbingly, that includes contracting out critical core functions to do with safety, which require highly specialised and skilled workers with years of training and accreditation. In reference to the most recent job cuts Ausgrid CEO Mr Richard Gross stated that the redundancies were:

... to keep the lights on for households and ... make energy as affordable as possible ...

That is the same rubbish that the public was served up in the 2015 election to justify the sale. Five years on and thousands of jobs later, there is a massive loss of income stream to the New South Wales taxpayer. What do we have to show for it? I quote from the Independent Pricing and Regulatory Tribunal reports on electricity prices from 2013 to 2019. For a medium residential electricity bill by network area, Ausgrid has had an 18.4 per cent cumulative change over that period; Endeavour, a 17.1 per cent increase; Essential Energy, the government-owned distributor, a 3.9 per cent increase—the lowest. For a medium small business electricity bill in the same sort of organisations, there was a 41 per cent increase over that period. There was a 33 per cent increase in the Endeavour Energy supply area. Essential Energy had an increase of 9.1 per cent.

In 2019 the Ausgrid CEO cut 365 jobs, which resulted in Ausgrid failing to deliver and complete \$35 million worth of scheduled work. It is outrageous that Ausgrid is so understaffed that it cannot even complete the work that it is funded to do by the Australian Energy Regulator and it is now cutting a further 500 jobs. In a stark admission of its inability to deal with the increasing frequent storms earlier this year, Ausgrid infamously resorted to pleading for the army's support because it lacked adequate resources. We saw homes and businesses across Sydney left without power for days on end, including over 300 homes and businesses in the St George and Sutherland Shire areas that were left without power for a week. The Government should have greater oversight of an industry that is failing to deliver the basic service of power to homes and businesses.

The privatisation of Ausgrid has been a terrible failure for New South Wales residents. Despite promises from the Liberal-Nationals Government, instead of lower prices and higher reliability we have witnessed increased blackouts and delays in restoration of power and increased electricity prices. At the time of privatisation the

Liberal-Nationals stated that they would retain significant control and oversight of the electricity entities. The Government is still a significant shareholder—almost 50 per cent. The Government said that it still has power over Ausgrid and that it would step in. The motion is calling for the Government to simply call on the Ausgrid CEO to reverse the job cuts. We are now cutting into the bone of an organisation that can no longer supply critical energy to the customers of New South Wales at a reasonable price—*[Time expired.]*

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:54:21): It is always good to have an ex-official for the Electrical Trades Union [ETU] make a speech like that. For many years it has been known that the electricity industry in this nation and this State has been feather-bedded. That is largely a legacy from the time when the electricity generator and distributors were run by the Government. For decades they were used to pork-barrel jobs, especially in Labor electorates where the ETU held power. There was not just over-manning of frontline staff but also cushy back office bureaucratic positions, which delivered no real services to customers but allowed for fat pay cheques and substantial union dues to the ETU.

Over the last two decades, the Productivity Commission and the Independent Pricing and Regulatory Tribunal have said that a reckoning is coming. So it should come as no surprise that Ausgrid announced it will cut 230 management and backroom positions as part of a plan to axe 500 jobs by 2024. But importantly Ausgrid chief executive Mr Richard Gross has said the cuts would not affect frontline jobs. Mr Gross stated:

This is a really tough decision, and one that we don't make lightly. We have challenges to face financially, and we have been open and upfront about that for nearly two years ...

This proposed restructure will mostly impact our management teams and back office staff, no frontline jobs will be cut ... This means staff working on the poles and wires and in the customer call centre will not be reduced as part of this restructure.

That is the key point. Ausgrid has said that services will not be affected by the changes. More fundamentally, employment decisions are an internal decision made by Ausgrid management based on the best interests of its customers and shareholders, one of which is the State. It is not the job of government to tell businesses how to run their businesses.

If Labor wants to do that then perhaps it should commit to the re-nationalisation of those companies. But of course it will not do that. To do so means Labor members would have to publicly admit that they are all socialists at heart. I know that the mover of the motion is. The Hon. Mark Buttigieg is moving the motion to protect his fat cat mates in the leadership of the ETU. Labor is protecting its rivers of gold in union dues, which then get magically transformed into donations to the Labor Party at election time. The motion exposes Labor for what it really is: the enemy of hardworking households in New South Wales and the compliant sock puppet of militant industrial unions whose money and preselection power define the Australian Labor Party [ALP] in this Chamber. It is no wonder that Joel Fitzgibbon got it so right. He has said that the ALP no longer represents workers, and he is right.

Reverend the Hon. FRED NILE (21:57:27): On behalf of the Christian Democratic Party I support the motion. As members know—or maybe they have forgotten—when the privatisation was proposed the Christian Democratic Party had the casting votes in this House. We were not going to vote for it unless the Government gave a guarantee, which was put into the legislation, that there would be no cuts to the workforce and no job losses. The Government agreed to that and it was passed by this House. The figures that the member has quoted in his motion and his speech make a mockery of the promises I was given by the then Government, including Ausgrid and others, that there be no loss of jobs to the employees. They were very pleased that I achieved that, but they are absolutely disappointed that the Government just ignored it. I am very happy to vote for the motion.

The Hon. ADAM SEARLE (21:58:58): I support the comments made by my colleague the Hon. Mark Buttigieg. I remind members that since privatisation Ausgrid has reduced its workforce by 2,000 full-time equivalent positions. As the Hon. Mark Buttigieg indicated, we saw Ausgrid's lack of capability during the terrible storms last year when it had to take the extraordinary step of suggesting that the army assist in making areas safe, in clearing away debris and in helping to reconnect homes and businesses to power. Some 44,000 citizens were without power for too long—longer than it used to take to address power outages.

That was not due to the severity of the storms alone; the workforce has been cut to the bare minimum and possibly beyond. The situation was made worse by the 5,500 full-time equivalent job reductions across the whole distribution industry. Why is it significant? In the past when a distribution area experienced storm damage and outages, it would be able to call upon other areas to supplement the workforce at times of peak need and crisis. But there was no additional capability in the distribution system to step in and assist because all the distribution companies have had their workforces reduced.

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

The House continued to sit.

The Hon. ADAM SEARLE: This is a serious matter. When listening to the contribution by the Leader of the House, I thought I could hear the echoes of the tones of Dr Phelps. It sounded like the ghost of Dr Phelps was walking amongst us. I know that he was in the building earlier. This is not a matter of ideology or of playing games. Members on this side of the House take their responsibilities as MPs very seriously. By supporting this motion the Opposition is speaking not only for those who work in the industry, ably represented by the Electrical Trades Union, but also for the tens of thousands of citizens who depend upon a regular power supply, who depend upon Ausgrid and other distribution companies to stay connected and to be reconnected safely and swiftly. We take that seriously and we wish the Government took it seriously too. I commend the motion to the House.

The Hon. SCOTT FARLOW (22:01:48): The ghost of the Dr Phelps re-emerges. Before we go any further, let us get some facts on the table. First, the Government is only a minority shareholder in Ausgrid. The majority shareholder is the partnership between IFM Investors and AustralianSuper. Who is AustralianSuper run by? It is run by the Australian trade union movement. The trade unions are the key shareholders and the key decision-makers in Ausgrid. Why does the Hon. Mark Buttigieg, the shop steward in place here, not complain to his union mates about what is happening at Ausgrid? Why does he not pick up the phone and call Michele O'Neill or Sally McManus at the Australian Council of Trade Unions and complain to them? If he is doing that, I commend him.

AustralianSuper—the unions' largest superannuation fund—knows that the Electrical Trades Union [ETU] is a joke organisation that is interested only in continuing decades of unjustified featherbedding of its workforce. In May last year the ETU said that the industry superannuation funds that own the electricity distributor have an ethical obligation to protect staff from job cuts. The ETU appealed directly to IFM Investors and AustralianSuper. It said that they "needed to be conscious" of the damage to Ausgrid's brand if the company cut staff numbers. Guess what happened? The ETU was sent away with a flea in its ear, and rightly so because AustralianSuper is looking after the livelihoods of millions of current and former workers right around Australia. Ausgrid is not there to protect the jobs of ETU officials or to fund the ETU with inflated dues; it is there to provide electricity to the people of New South Wales.

For years it has been known that the electricity companies of New South Wales were grossly overstaffed. That has been the substantial contributor to the high prices that we pay for electricity in this State. When the companies went to the Independent Pricing and Regulatory Tribunal of New South Wales seeking increases in the price of electricity on the basis of having to meet wage claims from the unions, they were repeatedly told that no justification existed for the employment levels that were claimed. As Ausgrid CEO Richard Gross said, the redundancies were necessary "to keep the lights on for households" and to make "energy as affordable as possible".

The ETU's objective and the motivation behind this motion have nothing to do with affordable electricity or keeping the lights on. The ETU wants ordinary working families of New South Wales to pay for the excessive featherbedding of the electricity companies. Those opposite do not care about the working families of New South Wales. They care only about protecting their union mates and the sinecures that come with the job. They care only about maintaining the funding of the ETU through union dues that are extracted ultimately via higher household energy costs. If it is good enough for AustralianSuper to say no to the sort of nonsense contained in this motion, so should we.

The Hon. SAM FARRAWAY (22:04:44): This motion is a sad reflection on the contemporary Labor Party. Once again the Electrical Trades Union [ETU] has cried, "Jump," and the Australian Labor Party [ALP] has asked meekly, "How high?" The ETU thinks that the electricity companies of New South Wales exist only to provide jobs for ETU members. It forgets that those companies exist to provide electricity for their customers. They exist to provide profits for their shareholders, including AustralianSuper, which is the largest trade union superannuation fund in this country.

If the job cuts were arbitrary or unjustified, one would think that the largest trade union superannuation fund in Australia would oppose them. But it does not. In fact, it has backed repeatedly Ausgrid management's program of job rationalisation. Just as the Ausgrid management, the regulators, the consumers and the members of this place know, the Australian Council of Trade Unions knows that the featherbedding in the electricity sector was never sustainable, that a rationalisation of the workforce that could be achieved without a loss of services was required and that cuts could be made to back-office jobs, not frontline jobs.

But that is not good enough for those opposite, some of whom owe their very existence in this place to the undue power exerted by the ETU in internal Labor Party preselections. Who are those opposite really serving? Is it the union bosses who sit on the ALP executive and fund elections from the dues of their members or is it the struggling families of New South Wales? We all know the answer to that. In January 2018 *The Guardian* reported that the ETU threatened to take industrial action in the middle of summer so it could get a 3 per cent pay rise. That

was more than teachers, nurses and police were getting and almost double the rate of inflation at the time. But the ETU did not care. It was prepared to inconvenience people and put lives at risk by threatening industrial action in the middle of summer.

At that time a survey of ETU members found three-quarters were prepared to take industrial action over job cuts, putting summer electricity supply at risk. Who was leading that outrageous and dangerous industrial action? According to *The Guardian*, it was "ETU organiser Mark Buttigieg". In this place we are being treated to another whining motion about protecting ETU union dues and hurting working households in this State. Once again the Labor Party chooses to side with its union boss mates, rather than with the people who have to face escalating power bills. This motion, which not even Australia's largest trade union super fund would support, shows exactly how out of whack Labor's priorities are and how unfit it is to govern for the people of this great State.

The Hon. JOHN GRAHAM (22:07:48): It is of real concern to me that people in New South Wales are struggling to pay power bills due to high New South Wales power prices. If the member wants to know why power prices have gone up, he should read the Australian Competition and Consumer Commission report that showed that over a decade under this Government prices went up 52 per cent in real terms. He should look at why that happened. He should not come to this place with his ideological carry-on. If Government members are going to beg for votes tomorrow in support of Minister Kean's Electricity Infrastructure Investment Bill 2020, it is a silly time for them to be launching this debate. In putting their arguments to the House with the intention of insulting the Opposition, they should not ignore the contribution of Reverend the Hon. Fred Nile. He has stood up on these issues and has reflected fairly on the result that has been delivered by this Government, which is no result at all.

The Hon. MARK BUTTIGIEG (22:08:90): In reply: The callousness of that response is breathtaking. Not one of the arguments were rebutted. Let us look at what has happened after privatisation. As my colleague the Hon. John Graham outlined, one could maybe understand the justification for the sold entity if electricity prices had come down. Have they come down? No. We have seen an average increase of 20 per cent for residential customers and about 30 per cent for small businesses. Have we seen any extra revenue? No. Despite being a 49 per cent shareholder, the Government is losing billions in foregone revenue. Reverend the Hon. Fred Nile's contribution was correct: A minimum 3,500 was the number that he successfully amended to put a floor on what was deemed to be the safe, employed number. That is now down to 2,700. We do not need to look any further than the many weeks it takes these days for Ausgrid to restore supply to swathes of people because it does not have the internal capacity to deal with it—to the point where it has to call the army out.

Instead of criticising me for standing up for working people and New South Wales consumers, why have Government members not looked at the arguments and tried to rebut them on their merit? The Hon. Damien Tudehope's contribution seemed to imply that because they are not frontline workers they are somehow of less value. Are the engineers and clerical workers who provide the backroom support to ensure that those meters keep turning around of less value? We have a situation where CEO Richard Gross does not have the internal capacity to complete the work in accordance with the funding envelope he gets from the Australian Energy Regulator because he does not have enough staff. What does Ausgrid do? It takes the lazy way out of cutting jobs, which is the only way to return money to the shareholders and save costs.

Instead of looking forward and getting into the renewable market, which the Minister for Energy and Environment is promoting up hill and down dale—a laudable objective that we support—what does the Government do? Instead of looking to those future markets, installing battery and solar and trying to integrate the network so that it can move forward and create a new revenue stream, the Government cuts jobs to the point where the entity cannot even provide reliable electricity at an affordable cost. To boot, the Government is telling the people of New South Wales not to worry that it has sold Ausgrid because it still has significant control and can step in and manage it if it has too. If ever there was a time to do that, it is now, when prices are rising, reliability is down and people are losing their jobs. The Government should step in and tell Gross to reverse the decision. It is not that hard.

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

The House divided.

Ayes22
Noes14
Majority.....8

AYES

Banasiak
Borsak

Graham
Hurst

Nile
Primrose

AYES

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

Jackson
Latham
Mookhey
Moriarty
Moselmane

Roberts
Searle
Secord
Sharpe
Shoebridge

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)

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

Mitchell
Taylor
Tudehope
Ward

PAIRS

Houssos
Veitch

Franklin
Harwin

Motion agreed to.

*Bills***STRONGER COMMUNITIES LEGISLATION AMENDMENT (DOMESTIC VIOLENCE) BILL 2020****Messages**

The PRESIDENT: I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

*Documents***FLOODPLAIN HARVESTING****Production of Documents: Order**

Mr JUSTIN FIELD: I move:

That private members' business item No. 880 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr JUSTIN FIELD (22:22:47): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 21 September 2020 in the possession, custody or control of the Minister for Water, Property and Housing, the Department of Planning, Industry and Environment, WaterNSW or the Natural Resources Access Regulator relating to floodplain harvesting regulation:

- (a) all documents relating to the disallowance of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 and its impact or implications;
- (b) all documents relating to the legal status of floodplain harvesting; 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 is an order for papers for a range of documents from the Minister for Water, Property and Housing; the Department of Planning, Industry and Environment; WaterNSW; or the Natural Resources Access Regulator concerning floodplain harvesting. Specifically, this order requests all documents relating to the disallowance of the Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 and its impact or implications since this House disallowed that regulation on 21 September 2020, and any documents since that time relating to the legal status of floodplain harvesting. Not long after disallowing that regulation, following a detailed inquiry by the Regulation Committee—an inquiry that heard conflicting, confusing and incomplete evidence from the Government about the legal status and the data surrounding questions about floodplain harvesting take—we saw the unprecedented circumstance where the Minister tried to pass a rescission motion to that disallowance.

We have now heard that, despite that rescission being defeated—which I believe is the first rescission motion to be defeated by this Chamber—the Government intends to bring a new regulation when the four-month time limit concludes. I believe it is well within the interests of the House and clearly in the interests of the public, who have watched this debate closely—every time this issue comes to the Parliament the degree to which the public are engaged in this issue in those valleys that are affected by floodplain harvesting and by the changes to the water systems as a result of floodplain harvesting is phenomenal—that we look at the discussions that happened between the Minister's office, the department and the regulator about how they would respond to that disallowance. That will enable us to make much better decisions as the information starts to come out about how the licences for floodplain harvesting will eventually be decided and allocated.

There are billions of dollars on the line here. As much as \$4 billion in compensable rights will be handed out to a handful of farmers across Northern Basin valleys. Let us get as much information on the table so that we are all informed and can make good decisions in Parliament or the public debate is informed—which until now has been severely constrained by the inadequacy and inaccurate information that is out there, in part peddled by this Government. I urge members to support this call for papers.

The Hon. SAM FARRAWAY (22:25:49): The Government does not oppose the motion. 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. By bringing floodplain harvesting into an enforceable regulatory framework, the Government will control floodplain harvesting through licences and water supply works approvals. The Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 provided certainty for water users in the five designated floodplains in the Northern Basin and the 10 designated floodplains in the Southern Basin. The absence of clear transitional arrangements for floodplain harvesting now leaves farmers across the State, including those within the large irrigation corporations in the south, with uncertainty about whether they can take water from floodplains without threat of legal action. As requested by members of this House, the Government has already tabled Crown Solicitor's advice relating to floodplain harvesting, alongside the provision of advice from Parliamentary Counsel that confirms the disallowed regulation could legally be made.

The Hon. PENNY SHARPE (22:27:06): Labor supports this call for papers.

Ms CATE FAEHRMANN (22:27:14): The Greens also support this call for papers. I think anything in relation to transparency on this issue is a very good thing. The Crown Solicitor's advice that was tabled only last week in Parliament was not good enough in regard to what the Minister has supposedly been relying on for quite a few months now. In a number of questions and in a number of committee hearings suggestions have been made that the Minister has had legal advice before her, and I believe having all the advice that apparently the Minister has before her on floodplain harvesting at this point in time can only benefit the community, who have been calling for certainty in this area. We support the motion.

The Hon. MARK BANASIAK (22:28:13): The Shooters, Fishers and Farmers Party will always support water transparency. Picking up on the comments of Ms Cate Faehrmann, the Crown Solicitor's advice was not even the Crown Solicitor's advice. Even if it was, it was not the Crown Solicitor's advice that we were asking for. The Crown Solicitor provided advice on the legality of floodplain harvesting; we were asking about the legality of the regulation. We will always support transparency in water, even if we have to go to these lengths to pry information out of this Government.

Reverend the Hon. FRED NILE (22:28:55): The Christian Democratic Party supports this call for papers under Standing Order 52 in relation to floodplain harvesting regulation, which was moved by Mr Justin Field. There has been some confusion in this House about the issue and this call for papers hopefully will get the facts and clarify the situation. We support the motion.

Mr JUSTIN FIELD (22:29:29): In reply: I understand that the Hon. Sam Faraway had prepared notes from a range of people. It was clear from the Crown Solicitor's advice that the request from the Minister was quite constraining on the Crown Solicitor in respect of the questions that were being asked and the degree to which a simple affirmative or negative was requested. The Crown Solicitor recognised that and provided some basic explanation for the positions taken. But ultimately it found the concerns that many in this Chamber have for the regulation and the practice generally are legitimate, albeit that there is a legal question around floodplain harvesting.

Let us not mince words. When the fundamental facts continue to be twisted, it illustrates why this motion is necessary. We are talking about a significant decision that could affect the operation of our inland river systems for the next decade. Billions of dollars are on the line. Can we stop the spin around this? There are too many people already well overheated on this question. They deserve transparency, honesty and an independent source of truth. I hope some of those documents and discussions that have no doubt been had between the key

stakeholders inside government will enlighten us all about how we make decisions as a Chamber when dealing with questions about regulating floodplain harvesting as we get closer to the drop-dead date on 31 July 2021.

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

Motion agreed to.

FAST RAIL NETWORK STRATEGY

Production of Documents: Order

The Hon. MARK BANASIAK: I move:

That private members' business item No. 761 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (22:32:35): 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 December 2018 in the possession, custody or control of the Department of Transport, Regional NSW, Department of Premier and Cabinet, Minister for Transport and Roads, or Minister for Regional Transport and Roads relating to the Fast Rail Network Strategy:

- (a) all advice and reports of Professor Andrew McNaughton and the Fast Rail Panel, regarding the Fast Rail Network Strategy, and fast rail in New South Wales, including rail linkages between metropolitan and regional New South Wales;
- (b) all communications, negotiations, meeting minutes and correspondence regarding the Fast Rail Network Strategy; 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 call for papers comes after multiple avenues of requests have been extinguished by my colleague in the other place, the member for Orange, Mr Philip Donato. On 26 February 2020 Mr Donato asked a question of the Minister for Regional Transport and Roads, Mr Paul Toole. The question was in response to an article in the *Blayney Chronicle* from 30 October 2019, which stated:

Rail expert Andrew McNaughton is leading a panel that will provide advice to the NSW Government on a fast rail network so a strategy can be finalised by the end of the year.

It is almost the end of 2020 and there is still no strategy, despite \$295 million of taxpayer dollars being committed to start the early works for the fast rail. The Government has a habit of rolling out announcements for the regions, particularly fast rail, to buy it votes with taxpayer dollars and then it packs up and leaves town. It is the music man of New South Wales. Well guess what, we got trouble, trouble alright—in Bathurst city, with a capital "T" and that stands for Toole. It is time we saw this strategy, Mr Toole, so we will use the only avenue left to us, this Standing Order 52 request.

If the Government was more transparent, it would not have to stamp its feet repeatedly and claim we are misusing this standing order. Mr Donato also sent a letter of request to Mr Toole on 4 September this year. He has received no response. Mr Donato requests that the strategy be publicly released and, in his words, "it is what the taxpayers of New South Wales would reasonably expect". Mr Donato has written to Mr Toole and asked that if he cannot provide the strategy, to explain why. The razzle-dazzle of a fast rail is rolled out so frequently that it is reasonable that we start seeing something substantial in terms of what the Government has done or plans to do.

There is nothing on earth like a genuine, bona fide, electrified, six-car monorail. But before we go down that path, we need to know the Government has a plan. Our rail lines need to be fit for purpose and I honestly doubt they are in the regions because the Government often leaves them behind. The rail lines are all cracked and broken. Well sorry, Minister, the Liberals have spoken. They want fast rail so we want to know what their strategy is. No more promises. The fast rail will be essential to decentralisation. It will encourage investment. The Government made the announcement, now cough up and show us the paperwork that backs it up.

The Hon. SCOTT FARLOW (22:35:09): The Government does not oppose the motion, as tempted as I am to start chanting "monorail, monorail, monorail". It was Ogdenville, North Haverbrook and what was the other one?

The Hon. Daniel Mookhey: "I've sold monorails to Ogdenville, North Haverbrook" and—

The Hon. SCOTT FARLOW: Ogdenville and somewhere else. I will have to watch the episode again, but we do not oppose the motion.

The Hon. JOHN GRAHAM (22:35:49): The member has put this motion in a format that is irresistible to the Opposition. We support the motion.

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

Motion agreed to.

WESTERN SYDNEY AIRPORT AND AEROTROPOLIS

Production of Documents: Order

The Hon. MARK BUTTIGIEG: I move:

That private members' business item No. 890 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BUTTIGIEG (22:39:39): I seek the leave of the House to amend private members' business No. 890 standing in my name on the *Notice Paper* for today by omitting "Western Sydney Aerotropolis" wherever occurring and inserting instead "Western Sydney Airport and Aerotropolis".

Leave granted.

The Hon. MARK BUTTIGIEG: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, created since 1 January 2014 in the possession, custody or control of the Western City and Aerotropolis Authority; the Department of Transport; Transport for NSW; Property Acquisition NSW; Sydney Trains; NSW TrainLink; Sydney Metro; RailCorp; State Transit; Infrastructure NSW; the Ministry of Health; the Department of Premier and Cabinet; the Department of Planning, Industry and Environment; Valuer General NSW; Department of Customer Service; The Treasury; the Minister for Water, Property and Housing; the Minister for Planning and Public Spaces; the Minister for Transport and Roads; the Minister for Customer Service; the Treasurer; or the Minister for Energy and Environment relating to property acquired or partially acquired by the New South Wales Government or any agencies acting on behalf of the New South Wales Government, for the Western Sydney Airport and Aerotropolis and associated infrastructure and transport projects:

- (a) all documents which disclose the purchase price, address, land size and local government area of each property acquired, including partial acquisitions, for the Western Sydney Airport and Aerotropolis projects and associated infrastructure and transport projects, including projects and upgrades but not limited to the Northern Road, M12 Motorway and Sydney Metro-Western Sydney Airport;
- (b) all land and property valuations undertaken by or on behalf of the Government for properties procured both partially and completely for the Western Sydney Airport and Aerotropolis and associated infrastructure and transport projects;
- (c) all documents including all correspondence and all communication relating to each property acquired, including partial acquisitions, for the Western Sydney Airport and Aerotropolis projects and associated infrastructure and transport projects, including projects and upgrades but not limited to the Northern Road, M12 Motorway and Sydney Metro-Western Sydney Airport;
- (d) all contracts, deeds, deeds of transfer, deeds of settlement and deeds of compensation and all related documents, including all correspondence and all communication, for all property acquired, including partial acquisitions for the Western Sydney Airport and Aerotropolis projects and associated infrastructure and transport projects, including projects and upgrades but not limited to the Northern Road, M12 Motorway and Sydney Metro-Western Sydney Airport; 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.

This order for papers is required to provide the public with information and open transparency regarding properties that were acquired fully or partially by the New South Wales Government and its agencies for the Western Sydney Airport and the Western Sydney Aerotropolis and associated infrastructure and transport projects. The Western Sydney Airport is a joint project between the Federal and New South Wales State governments, which is due to open in 2026. It is expected to see up to 10 million passengers at first, surging to 82 million each year by 2063. The impact on the local road network is going to be significant. According to Infrastructure Australia, with no fuel pipeline constructed, 65 B-double fuel tankers will be required to ship in fuel every day when the airport first opens. Extensive upgrades to The Northern Road were necessary to ensure traffic did not come to a standstill east of the airport. The M12 is critical to ensure the road network is not clogged, yet it is already two years behind schedule.

Western Sydney Airport and the Western Sydney Aerotropolis, and the associated infrastructure to support those projects required a significant portion of land to be purchased by the State and Federal governments. We recently learned that the Liberal-Nationals Federal Government misused taxpayer money to pay over \$30 million for land for the Western Sydney Airport. A later valuation determined it was worth only \$3 million. The Australian Federal Police are investigating and the Auditor-General's report said that appropriate due diligence for the purchase was not adhered to. The land was bought for the purpose of building a third runway from the Leppington Pastoral Company, which is controlled by the Perich brothers, who have donated \$176,600 to the Liberal Party since 2002. That is completely scandalous and this Standing Order 52 motion is extremely important as we require the complete details regarding any property acquisitions made by the State Government for the Western Sydney Airport and the Aerotropolis.

In the interests of transparency, it is critical that residents know that the State Government was not involved in similar dodgy deals. The public deserve to know where their taxpayer dollars are being spent. Additionally, it is more important than ever that we have full transparency when the Berejiklian Government has squandered taxpayers dollars in a toxic land deal at Camellia near Parramatta. Today the House voted to refer that to ICAC because it is so appalling. It is shocking that seven months after a property developer purchased the land for \$38 million the Government paid \$53.5 million. Now we have found out from a secret Government document that the land is in fact worthless due to being one of the most toxic sites in New South Wales. Taxpayers are also expected to pay over \$100 million to clean up the site as it is riddled with cancer-causing materials including asbestos and hexavalent chromium. Minister Constance's agency—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I do not want to steal the Hon. Mark Buttigieg's thunder. This motion deals with an order for papers under Standing Order 52 relating to Western Sydney Airport. What the honourable member is now dealing with seems to me some many kilometres away at Camellia. That was the subject of an earlier motion today.

The Hon. MARK BUTTIGIEG: Sure. It is therefore not unreasonable, given this Government's incompetence, to ask it and agencies such as Transport for NSW to provide full transparency around property acquisitions related to the Western Sydney Airport and related infrastructure. Aside from the toxic land deal, the Liberal-Nationals Government's history of cover-ups and misuse of public funds such as the Stronger Communities Fund—where 95 per cent of the money went to Coalition-held seats, followed by the shredding of key documents by the Premier's office—demonstrate the need for these papers. The Opposition has attempted to obtain information on property acquisitions via a Government Information (Public Access) Act application; however, the full details were not provided. This makes it impossible to check if due process was followed. It is deeply concerning that all of the facts were not supplied. Without full transparency we cannot trust that the Government has done the right thing. Therefore, we request that these papers be provided so that we can properly scrutinise those processes.

The Hon. NATASHA MACLAREN-JONES (22:42:18): This is the ninth order for papers under Standing Order 52 on the *Notice Paper*. We have got another five. The Government will not be opposing the order, but again I will place on the record the copious amounts of work and cost that these calls for papers pose on staff as well as departments.

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

Motion agreed to.

NOETIC BUSHFIRE REPORTS

Production of Documents: Order

The Hon. MARK BUTTIGIEG: I move:

That private members' business item No. 933 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BUTTIGIEG (22:43:57): 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 Resilience NSW, NSW Rural Fire Service, NSW State Emergency Service, or Fire and Rescue NSW relating to bushfire reports from Noetic:

- (a) all research, briefings, reports or reviews from Noetic relating to call taking and dispatch models and fire emergency communication centres in New South Wales,
- (b) all correspondence relating to all research, briefings, reports or reviews undertaken by Noetic regarding call taking and dispatch models and fire emergency communication centres in New South Wales, 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.

All members will vividly recall the fire events of the 2019-20 bushfire season. Lives and homes were lost. These events would have been much worse without the professional and volunteer firefighters who worked hard day and night to keep our communities safe. We have all seen the footage of fire trucks overrun by fire and witnessed the professionalism and training of firefighters, who saved lives. We saw the blasted moonscapes left behind by these fires and the rubble that used to be people's homes and communities' buildings. We owe our firefighters a debt of gratitude and it is our job to make sure that they are given the best equipment and logistical support to fulfil their demanding and risky jobs. At their best, professional and volunteer firefighters exemplify our values against the odds in extreme weather and catastrophic fires.

Sadly, the 2019-20 fires were preceded by other fires with equally devastating effects for communities. Before the fire events of last summer, we had the Tathra fire of 2018. During this fire, some members of our community were badly let down—not by the firefighters who were employed to serve them but by the structures and systems in place. These failed. As a consequence of that failure, at least 69 homes were destroyed and more were damaged. The inquiry conducted by former Australian Police Commissioner Mick Keelty into how the Bega Valley bushfires were so badly handled considered a range of issues. It went into the performance benchmarks one can expect from a professional firefighting agency as opposed to a volunteer agency, the variety of different communication systems required and several other associated issues to do with equipment. Essentially, there were 26 recommendations coming out of that inquiry. The board of commissioners then commissioned another body—a company called Noetic—to give an opinion on those recommendations.

We have not heard from the report. We know it exists because the State Secretary of the Fire Brigade Employees Union, Leighton Drury, had been consulted, as were other members of the RFS. The report disappeared without a trace. No-one knows where it is or what the Government is going to do with it. This order for papers under Standing Order 52 is simply asking that that report be produced so that we can see whether the recommendations coming out of the Tathra inquiry are going to be implicated and what the implications of them are, and whether we will get those communication systems that we so desperately need to avoid those incidences happening again. Most importantly, we are concerned about an implication coming out of that inquiry that the call centres would be what they call "civilianised"—in other words, privatised and outsourced. Instead of getting the professional firefighters and firefighting infrastructure people to do those sort of calls and monitoring, it would be civilianised, outsourced and privatised. We cannot make an objective judgement on that until we see the actual report. That is why we are asking for it to be produced. I therefore commend the motion to the House.

The Hon. NATASHA MACLAREN-JONES (22:48:01): We have just heard from the Opposition Whip about the significant role that our firefighters have undertaken, particularly in the last 12 months of bushfires here in New South Wales. The Government will not be opposing the call for papers, but I do want to place on the record that this order for papers under Standing Order 52 is asking for all research, briefings, reports, reviews and correspondence. It is not just about that report. We are expecting and asking our resilient NSW Rural Fire Service, NSW State Emergency Service and Fire and Rescue NSW to respond to copious amounts of work. But, as I said, the Government will not oppose this motion.

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

Motion agreed to.

COUNCILLOR ANTOINE DOUEIHI

Production of Documents: Order

The Hon. ADAM SEARLE: I move:

That private members' business item No. 817 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (22:49:51): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Department of Planning, Industry and Environment or the Minister for Local Government relating to Councillor Antoine Doueihi, mayor of Strathfield:

- (a) all reports of any investigations into Councillor Antoine Doueihi, mayor of Strathfield; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers seeks a small range of documents relating to all reports of any investigations conducted by the Department of Planning, Industry and Environment into the relevant councillor, the mayor of Strathfield. Holding the office of mayor of any city is an important civic responsibility and it is important that persons who hold those offices are not under any cloud of suspicion. If there is a report meeting this description, the House should see it and see what it says.

The Hon. SAM FARRAWAY (22:50:33): The New South Wales Government is committed to upholding the highest standards of conduct, integrity and ethics in the State's local government sector. Investigative functions conferred upon the Office of Local Government [OLG] within the Department of Planning, Industry and Environment are a key mechanism for ensuring this. However, it is clear from the motion before the House that it seeks access to investigation reports concerning an ongoing investigation being undertaken by the OLG. Investigation reports contain information that informs decisions that the deputy secretary and the NSW Civil and Administrative Tribunal [NCAT] make under the Local Government Act 1993. Councils, the Ombudsman and

the Independent Commission Against Corruption each have the power to request that the deputy secretary take disciplinary action on the basis that grounds exist to warrant such action.

Established processes, procedures and rules govern how an investigation is to proceed. Serious sanctions can be imposed against councillors subject to those investigations, including suspension and even disqualification from civic office. Those matters therefore require thorough investigation and detailed preparation to ensure successful and appropriate outcomes. It is paramount that all investigations are handled with sensitivity and that procedural fairness is afforded. There is oversight of those activities by the courts and NCAT. That is their role. The public release of information would deny the subject of the investigation the procedural fairness that it is otherwise afforded by the mechanisms in the Local Government Act 1993, which could lead to legal challenges by persons detrimentally affected by it.

The Legislative Council should not lend itself to an action calculated to circumvent statutory protections to the vital work of an agency. This motion seeks access to material that is defined by the Government Information (Public Access) Act 2009—the GIPA Act—as being excluded information. This is because it is information relating to the complaints handling and investigating functions conferred on the OLG under the Local Government Act 1993. Section 6 of the GIPA Act confirms that there is a conclusive presumption that there is an overriding public interest against disclosure of this excluded information. Excluded information is used by the OLG in a variety of ways, all of which are directed to ensuring that the objects of the Local Government Act 1993 are achieved. As part of its preliminary inquiry function, the OLG relies on excluded information to inform a decision about whether a particular investigation should be conducted.

In providing advice about how certain complaints might be resolved, excluded information informs how the OLG provides guidance to the sector. If the OLG decides to investigate a matter then the excluded information is used as part of the investigation itself. Where relevant, when excluded information becomes evidence in support of a determination in relation to a complaint—whether through a determination by the deputy secretary or following proceedings in NCAT—the detail of the material becomes known as part of the statutory processes. In this way, procedural fairness is accorded to the person who is the subject of the material. If the excluded material becomes evidence then the person affected will have their day in court.

The statutory protections for this type of information are so strong that under the GIPA Act an access application cannot be made to the OLG for excluded information. In fact, an access application for excluded information is not a valid application as it is made in contravention of the Act. This motion seeks to circumvent this specific and strong statutory protection. Each piece of information caught by the call for papers is excluded information, so the public interest considerations against disclosure outweigh the public interest considerations in favour of disclosure. If information is provided in answer to the call and made public then this will detrimentally affect the ongoing investigation as it will pre-empt the work of the agency. This type of call for papers will impair the ability of the OLG in the future to gather information confidentially about the subject of an investigation from informants and complainants.

Most people who make complaints or provide information are reluctant to do so unless they can be assured of confidentiality to the greatest extent possible. Without this information, many investigations simply would not proceed. Even when a complainant's identity is known, the investigation process still needs to respect procedural fairness rules. I have every confidence in the OLG to carry out its investigative functions properly and effectively. This motion will do nothing but jeopardise its ability to do so, now and into the future.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I remind the Hon. Sam Faraway that he has three minutes to contribute to a short form format debate. As the clock was wrong it was not his fault, but next time I will pull him up.

The Hon. ADAM SEARLE (22:56:29): In reply: I thank the Hon. Sam Faraway for that extensive submission to the House. The power of the House in calling for State papers is not bound by the statutory restrictions that he referred to. This not only is an obvious fact but also has been dealt with through the Independent Legal Arbiter on a number of occasions where production or publication of documents is sought to be resisted on the basis that you could not get this under the Government Information (Public Access) Act 2009 or some other statutory regime. I give the Government some free advice: That will not avail it on this occasion. To take the Hon. Sam, Faraway's second point about jeopardising ongoing investigations through people not cooperating in future, my understanding of the statutory regime is that there are certain coercive functions and capabilities that exist to help when people are recalcitrant. That would obviously be a matter known to the relevant agencies.

The third point is that where it would be problematic for the names of persons to be in the public realm, the Independent Legal Arbiter has advised, and this House has accepted, that names of individuals in certain circumstances—although not privileged in the sense that must be found to exist between the House and the Executive—nevertheless can be redacted. It would behove the Government when it answers this call to produce

two versions: one with any names that it deems sensitive redacted for use in the public domain and an unredacted version for members' access. That is some more free advice. I urge the House to support the motion.

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

Motion agreed to.

DAM INFRASTRUCTURE

Production of Documents: Order

Ms CATE FAEHRMANN: I move:

That private members' business item No. 945 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (22:59:21): 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 searchable electronic format if possible, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Department of Planning, Industry and Environment; Water NSW; the Minister for Water, Property and Housing; NSW Treasury; the Premier; or the Deputy Premier relating to dam infrastructure projects:

- (a) the following documents created since 5 August 2020 relating to the Menindee Lakes Project, the Wyangala Dam wall raising project, the Mole River Dam project, the Dungowan Dam project, and the Macquarie River Re-regulating Storage project:
 - (i) all draft business cases;
 - (ii) all final business cases;
 - (iii) all feasibility studies;
 - (iv) all hydrological modelling reports;
 - (v) all modelling assessment reports;
 - (vi) all scoping studies;
 - (vii) all capital investment, economic, socio-economic or environmental impact reports; and
 - (viii) any tender document or contract with WaterSecure.
- (b) all documents created since 1 July 2019 relating to potential allocation or use of water from the Wyangala Dam for mining projects;
- (c) the proposals for levels of service and 20-year infrastructure strategy by GHD Pty Ltd;
- (d) the Dungowan Dam feasibility study by GHD Pty Ltd;
- (e) the Mole river feasibility study—hydrologic and hydraulic modelling expertise by Jacobs Group Pty Ltd;
- (f) the Mole River Dam and Dungowan Dam feasibility study by eWater Ltd;
- (g) the Lachlan Valley priority catchment water security preliminary business case, dated April 2018;
- (h) all draft or final versions of the regional water strategies - guide;
- (i) all documents created since 1 July 2019 relating to any commitment of funding from the Snowy Hydro Legacy Fund towards the Wyangala Dam wall raising, Mole River Dam, Dungowan Dam, Macquarie River Re-regulating Storage or Menindee Lakes projects; and
- (j) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The order for papers relates to multiple dam and other mass water storage projects across New South Wales. The House has already approved orders for papers under Standing Order 52 on the matter in the past. The call for papers relates to certain documents that were created since 5 August 2020. That covers documents that were created since the last returns to order relating to the specific projects contained in the order. That is largely because Portfolio Committee No. 7 - Planning and Environment held a committee hearing as part of the inquiry into dams in which a range of questions were asked about business cases, feasibility studies, hydrological modelling and the purpose of those projects. Given that a number of hearings are coming up as well as a summer break, the answers were not satisfactory. Many stakeholders have suggested that a range of those reports that exist have not been produced by the Government since 5 August. I urge the House to support the order.

Further, the order requests information relating to funding from the Snowy Hydro Legacy Fund. A number of submissions raised the possibility that money from that fund is funding some of the projects. There is huge concern across the community about not only the funding but also the business case and other matters that relate to those projects. If the House agrees to the order tonight, it will do what the Government should have done, which

is to be transparent and accountable to the people of New South Wales about \$1 billion to \$2 billion worth of infrastructure projects that do not appear to be based upon any sound rationale. I urge members to support the motion.

The Hon. SAM FARRAWAY (23:01:46): The Government opposes the motion because it has already delivered a significant order for papers on the topic. The current drought has highlighted that without dams, weirs and pipelines a number of rivers in the northern Basin would have run dry two years ago. For example, flows in the Peel River from the end of 2016 would have only provided local flow in sections of the river and would not have provided connectivity along the whole river. It would not have provided enough water for the 60,000 people who rely on that water to survive, let alone to ensure the survival of businesses and jobs. The Government has provided more than \$2 billion to support primary producers, businesses and communities. Business cases will be publicly released when they are complete.

However, the Government does not support the attempt to pick apart the drafts. Those are just some of the ways that the Government has prepared New South Wales for future droughts, while also ensuring that we get through to the end of the current drought. The big lesson that we have learned from our regional water strategies—and I have been involved in water strategies recently, so it is not as though I do not know what I am talking about—is that we can expect more periods of climate extremes with longer droughts punctuated by large floods. We must ensure that our infrastructure can cope with those changing conditions so that it maintains the connectivity of our streams. We need more storage to give communities in regional New South Wales the water security they need and deserve. That is why the Government is working as fast as it possibly can to give the State and the regions more water storage capacity for future droughts.

The Hon. PENNY SHARPE (23:03:40): I will make a short contribution to the call for papers under Standing Order 52 moved by Ms Cate Faehrmann relating to dams, particularly the Wyangala Dam, the Mole River Dam and the Menindee Lakes Project. Labor supports the call for papers. Members would be aware that there is currently an inquiry into those matters. A lot of issues have already been raised through that process. The Government will not provide those papers by any other means, so they are being sought through Standing Order 52. The Opposition supports the motion.

Ms CATE FAEHRMANN (23:04:20): In reply: I note that the Hon. Sam Faraway in his contribution mentioned that the Government has already responded to a call for papers. That is the very point: The call for papers relates to documents created since 5 August, which comes after the returns to order that were previously made under Standing Order 52. Members were assured during a couple of the recent inquiries that all of those documents were either in the business case or that they would be presented in the business case. Again, that is not good enough considering that the matter relates to \$1 billion to \$2 billion worth of taxpayers' money and considering that the Government has said that the public cannot see the rationale until everything has been committed and turned. By then it will almost be too late. It is all very well to hear the Hon. Sam Faraway explain the reasons that New South Wales needs those dams, but it needs the business cases and hydrological modelling more than the honourable member's words.

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

Motion agreed to.

BUILDING AND CONSTRUCTION INDUSTRY

Production of Documents: Order

The Hon. ADAM SEARLE: I move:

That private members' business item No. 816 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (23:07:42): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Customer Service or the Minister for Customer Service relating to adjudicated claims made under the Building and Construction Industry Security of Payment Act 1999:

- (a) all quarterly adjudication activity reporting form files from each authorised nominating authority submitted for the periods 1 July 2018 to 30 June 2019; 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 documents that go to the issue of adjudicated plans made under the Building and Construction Industry Security of Payment Act 1999 to interrogate whether the Act is efficacious in its operation. I seek the support of the House.

The Hon. NATASHA MACLAREN-JONES (23:08:12): The Government does not oppose the motion.

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

Motion agreed to.

SAFEWORK NSW

Production of Documents: Order

The Hon. ADAM SEARLE: I move:

That private members' business item No. 818 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ADAM SEARLE (23:09:30): I seek leave to amend private members' business item No. 818 by omitting in paragraph (b) the words "between April 2017 and July 2018" and inserting instead "which was the subject of the Ombudsman's special report".

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, created since 18 January 2018 in the possession, custody or control of the Department of Customer Service relating to the Ombudsman's investigation into SafeWork NSW:

- (a) all drafts of the special report of the Ombudsman entitled *Investigation into actions taken by SafeWork NSW Inspectors in relation to Blue Mountains City Council workplaces*, dated 21 August 2020;
- (b) all documents or correspondence, including emails, texts or other communication between the Minister for Better Regulation and Innovation or the office of the Minister for Better Regulation and Innovation and SafeWork NSW officials regarding the investigation of asbestos-related matters in the Blue Mountains City Council local government area, which was the subject of the Ombudsman's special report;
- (c) all correspondence, including emails, between the Ombudsman, the Ombudsman's Office and any other person regarding the preparation of any, and all, drafts of the special report of the Ombudsman entitled *Investigation into actions taken by SafeWork NSW Inspectors in relation to Blue Mountains City Council workplaces*, dated 21 August 2020 investigation; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The motion seeks to close the loop on the documents that we are seeking in this matter. I seek the support of the House.

The Hon. NATASHA MACLAREN-JONES (23:11:18): The Government does not oppose the motion.

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

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

FREE-RANGE FARMS

The Hon. EMMA HURST (23:11:54): What do you picture when you think of free-range hens? Is it hens surrounded by green grass, dust bathing with space to roam? That could not be further from the truth. Let us start with male chicks in the egg industry. Males are considered an unwanted by-product of the egg industry as they do not lay eggs, so at just one day old they are thrown into a giant blender and macerated while fully conscious. The females escape live maceration, but their fate is no better. They will be transported to a so-called free-range farm where they will stay until they die onsite or no longer lay enough eggs to be considered worthy of keeping alive. How much space do the hens have? The Federal Government's free-range egg standard came into force in April 2018, allowing animal agribusiness facilities to pack up to 10,000 hens into one hectare and leaving just one square metre of room for each bird. The standard does not specify that hens must actually go

outside to be considered free range. In fact, as long as they are provided access to the outdoors, the free range label still applies.

The outdoor space may not provide any shade or shelter from predators or there may be so few openings on the side of sheds that some hens may never get close enough to an exit to venture outdoors. Drone footage from free-range facilities in New South Wales has shown dry open spaces, where no grass or covering is provided and with very few openings in the sheds, not being used by fearful hens. Footage has also shown that often doors are never opened to provide outside access. That can be for a variety of reasons, including worming, age of hens, suspected weather, or perhaps, dare I say, a day off for the farm hands. Inside those industrialised sheds, the floor is often not cleaned until the hens are sent to slaughter, meaning that faeces will build up over months. As a result of the ammonia, hens often develop breast blister and bumble foot. The bar has been set so low for a free-range hen that when consumers find out the truth, many are unlikely to feel reassured by the label.

If you think that the lives of free-range hens sounds horrific, the lives of chickens in the meat industry are arguably worse. For meat chickens, there is no legal definition of the term "free range" and standards can vary enormously. Free-range broiler chickens are usually the same genetic freaks as factory-farmed chickens. They are bred to grow at an unnatural rate, often collapsing under their own body weight. Experts say that meat chickens are in chronic pain for the last days of their lives. For birds raised under the Free Range Egg and Poultry Australia standards, there can be approximately 15 birds living on floor the size of a small card table.

The chickens are expected to have eight hours of access to the outdoors, but due to the cramped conditions it can be difficult for them to make their way outdoors, and once they reach a weight where it is painful for them to walk, outdoor access is simply impossible. When those young birds reach slaughter weight, chicken catchers will grab them by their legs, stuff them into crates and transport them to the slaughterhouse. Here they will be gassed or dipped into an electrified bath before their throats are cut. If any chickens miss the stun bath, they face the blade fully conscious and ultimately drown in scalding water. There are no free-range slaughterhouses. All farmed animals meet the same brutal and terrifying end. That is the horrific reality behind the free range label. To put it simply, free range is a fraud. It has to be said that if you buy free-range anything, you are being duped. There is no such thing as an ethical egg or ethical animal flesh.

TRIBUTE TO DONALD GRANT

The Hon. ANTHONY D'ADAM (23:15:46): As I sit on the benches in the Chamber, I often consider members who have served this Parliament with distinction: political activists who were people of courage and conviction. One such person was Donald McLennan Grant. Grant was a member of this place from 1931 to 1940 in the Lang Labor Government. The appointment occasioned some controversy with opposition coming from both inside and outside the Labor Party, despite which Lang backed him strongly. A Scottish born redhead, Grant was a known radical with a controversial past. The conservatives accused him of being a communist, but he was no communist. He was a democratic socialist, an active member of the Labor Party's Socialisation Committee and an opponent of Stalinism. He was a powerful orator and a regular fixture in the public meetings held in The Domain over many decades. It was there that in 1916 he uttered 15 words that resulted in him serving four years in jail. Grant had been associated with the Industrial Workers of the World [IWW] during the height of the struggle over conscription.

In an effort to paint the anti-conscription forces as subversive, the Government used the War Precautions Act to suppress the anarcho-syndicalist IWW in an attempt to shift the balance in the conscription referendum. Twelve IWW members were arrested and jailed for a range of charges, including sedition and treason. Among the 12 was Donald Grant. Speaking to a crowd in The Domain following the jailing of the editor of the IWW publication *Direct Action*, Tom Barker, Grant said, "For every day that Barker is in gaol, it will cost the capitalists ten thousand pounds." Grant was sentenced to 15 years in jail but served only four after his conviction was overturned following a vigorous campaign by the Labor movement and a royal commission. August this year marked the 100th anniversary of his release by the Storey Labor Government.

Following his release, Grant became a campaigner for prison reform. He wrote a book about his experience in the prison system entitled *Through Six Gaols*. The book describes allegations of "bad food, barbarous accommodation, gross brutality by wardens, cruel punitive methods, the encouragement of informers, the censorship of prisoners' just complaints, the utter incompetence of many wardens and officials." Grant deplored the, "lack of effort at reform and moral uplift in place of sheer punishment." Grant was also a campaigner against the death penalty. He became associated with the Trades Hall Reds of the Labor Council of New South Wales. He joined the Labor Party in 1923 becoming a strong supporter of Jack Lang. He unsuccessfully ran for the senate in 1925 on the Labor ticket.

Throughout the decades following his release, Grant continued to speak and became a target for repeated police harassment with further periods in jail and repeated fines. He was fined £5 in 1921 for accusing a police

officer of being a liar; in 1923 he was charged with obstructing traffic when addressing a crowd on Park Street and fined £1. He chose jail rather than paying. He was jailed again in 1927 for participating in a demonstration for Sacco and Vanzetti. He was fined again for collecting funds in The Domain for striking workers in 1929. In 1930 he was fined £10 for making a public address without permission in Hyde Park, and in 1931 he was fined twice for insulting a police officer. He was elected as an alderman on the Sydney City Council in 1931, representing Phillip Ward until 1944. The meeting where he won his preselection descended into a melee and two people were arrested. Consistent with the position of the Lang party, he remained hostile to the gerrymandered post-reform Legislative Council until the end of his term.

The newspapers reported "his firm and bitter conviction that the Legislative Council is a useless anachronism that will be a perpetual barrier to a Labor Government in New South Wales". Grant declared, "Democratic government in this State is only a joke and will be only a joke so long as the Upper House continues in existence." He was reported as saying, "New South Wales is feudalistic. It is just as much a dictatorship as any of the totalitarian countries, and this will continue until the Upper House is abolished. The Legislative Council is the bulwark of vested interests and is even worse than the House of Lords."

He refused to renominate for his position at the end of his term in 1940. He gained preselection for Labor's Senate ticket and was elected in 1943. Grant attended the 1946 Paris Peace Conference as a representative of the Australian delegation and was a delegate to the International Labor Organization in Canada in the same year. Even late in his career his political opponents were still raising his IWW past. He served until 1959, having lost preselection in 1957 after falling out with Labor leader Bert Evatt, despite having backed Evatt through the 1955 split. Grant died in 1970. The fiftieth anniversary of his death passed in June this year. He remained a radical his entire life and should be an enduring inspiration to those who cherish free speech and the struggle for social and economic justice.

GAMBLING HARM MINIMISATION

The Hon. SHAYNE MALLARD (23:20:39): On Monday 26 October 2020 members in this place received a letter from the Most Reverend Dr Glenn Davies, Anglican Archbishop of Sydney, and the Most Reverend Anthony Fisher, OP, Catholic Archbishop of Sydney. The letter, which was signed by senior faith leaders from across New South Wales, urged MPs across the Parliament to support the bold reform gaming machine harm minimisation legislation proposed by the Minister for Customer Service. The letter commenced by detailing the impact that the switching off of gaming machines had on the people of New South Wales during the COVID-19 pandemic. It stated:

When the machines were turned off, people in NSW saved \$1.2 billion. For thousands of residents and their families, having a break from gambling was a genuine silver lining to an otherwise dark cloud of coronavirus.

When the 90,000 machines were turned back on in June, losses in the first week were almost a million dollars a day higher than June last year. We're back to \$18 million being lost to the machines, every day. The losses are so much more than financial. The distress can fuel family violence, homelessness and people taking their own lives.

It is vital that the Parliament seize this opportunity to include the introduction of a cashless gambling card which would turn the Bill into an historic reform.

A cashless system will empower people to monitor their gambling, set a limit on how much they are prepared to lose, and exclude themselves from all poker machine gambling if they want to. Furthermore, it would prevent the criminal activity of laundering money through poker machines.

It also expressed support for the plans for a State-issued gambling card, warning that current harm minimisation measures are wholly inadequate. The letter concluded by stating as follows:

We encourage you, in the best interests of your constituency, to support this bold reform which must include the removal of cash from gaming machines and an overhaul of the current sub-standard approach to harm minimisation. The people of NSW will be grateful for your support.

I have previously informed the House that despite the current harm minimisation obligations that are in place, harm from gaming machines continues to rise. Minister Dominello has said that New South Wales has the unenviable title of "poker machine capital of Australia" and that he is determined to use technology to bring the \$6 billion gaming machine industry into the twenty-first century. Mr Tim Costello, the chief advocate for the Alliance for Gambling Reform, said:

It is immensely encouraging to have a minister responsible for gambling in NSW seeking significant reform to support people experiencing issues with gambling, and also speaking about the harms poker machines do in what is effectively the non-casino pokies capital of the world.

Recent research indicates that current minimum harm minimisation requirements, even when implemented appropriately, are not enough to effectively prevent harm. The research demonstrated without doubt that the current self-exclusion scheme does not work. It showed that 92 per cent of people who had excluded themselves from gambling were still able to access gaming machines if they attempted to do so. That is not good enough.

That is why it is proposed that venues be required to take reasonable steps to stop an excluded person from entering or remaining in the excluded areas. Venues will be provided with guidance about what constitutes reasonable steps. To be absolutely clear, the Government is not mandating the use of facial recognition technology as part of those reasonable steps, despite misinformation to the contrary. Facial recognition technology is simply one technology that venues can use to prevent people with gambling problems from accessing gaming machines; it is also an effective one. Closed-circuit television is already used by almost all venues and plays an effective role from a compliance perspective. Venues also rely on it to help ensure the safety of patrons and staff.

Facial recognition technology builds on that. It assists with identifying a person who is registered under a gaming machine self-exclusion program or has been excluded by the venue. It can also enhance measures to prevent minors from entering a venue. The technology is already being used by casinos around Australia. The Star Sydney casino uses facial recognition technology at each of its entrances to identify excluded persons. Live facial images are matched with records of self-excluded patrons and staff are alerted if a match is identified. The technology is also being trialled by a number of large pubs and clubs; for example, the Bankstown Sports Club and the Churchills Sports Bar in Kingsford. The Australian Hotels Association has indicated that it is committed to commencing the rollout of facial recognition technology in New South Wales pubs during 2021. Of course, there are other ways to ensure that people who have excluded themselves cannot access gaming machines.

The Government is considering one alternative that would see all gaming machines fitted with a card reader. Anyone playing a gaming machine would need a card that they would swipe at the commencement of play. Anyone excluded from gaming machines would have their card blocked, so that even if they entered a venue they could not play a gaming machine. That technology could also have other benefits. It could curtail opportunities for money laundering through gaming venues. It could also enable implementation of other harm minimisation tools, such as self-nominated spending limits. I remind the public that the Gaming Machines Amendment (Gambling Harm Minimisation) Bill 2020 is up for consultation until 11 December. I encourage those interested to make a submission via the Department of Customer Service website. I look forward to the outcomes of the public consultation on the Government's draft bill and proposals for the use of new technologies.

COMMUNITY TRANSPORT

The Hon. ROD ROBERTS (23:25:42): I would like to finish off today's proceedings on a good note by bringing to the attention of this House the great work that is being done by volunteers and employees working in community transport. Until recently I knew little about community transport, having never had the need for it. However, my interest was sparked when my colleague told me of his father, who recently required community transport to attend a medical appointment. After meeting with representatives from the Community Transport Organisation [CTO], the peak body of community transport in New South Wales, I was amazed by the dedication of the employees and in particular the volunteers involved in community transport. Day after day, they are linking our most vulnerable to the rest of society and enriching the lives of less mobile Australians.

The main goals of the CTO are to provide leadership, information, advocacy, innovation and research, to support the services that address transport disadvantage. The door-to-door service provided by community transport has the power to remove access barriers for the most vulnerable people in our society, whether it be through attending medical appointments, participating in social activities or simply being able to go to the shops to get groceries. Based on user surveys, community transport has been a highly useful tool in mitigating transport disadvantage. In 97 per cent of cases it has provided users with freedom and autonomy which they would otherwise lack.

I will tell a short story about a person whose experience highlights the important place that community transport holds in the lives of many elderly, less mobile Australians. John, who is vision impaired and has trouble hearing, was being driven from Charlestown to Fishing Point when he remarked that he would love to taste a hamburger, which he used to enjoy eating in his youth. The driver realised that he had a lunch break coming up and asked John if he would like to get a hamburger with him. Needless to say, that act of kindness made John's day. It is often the small things that count the most. I can proudly say to the House that compassion and community spirit is alive and well in our State. It is stories like John's that make me proud to be a citizen of this State.

To ensure that high standard of service is maintained in the future, we need to do all we can to support community transport in New South Wales. Community drivers are the heart of community transport. Currently 3,597 volunteers—mostly drivers—and around 1,600 employees are involved with community transport in New South Wales. The drivers are highly trained to assess physical and environmental risks, enabling them to assist people safely from their door, down steps, across paths and into vehicles. The ongoing pandemic has reinforced the vital role that community transport plays in the lives of our most vulnerable. Furthermore, forecasted population growth and an ageing demographic will result in an increase in the need for community transport. That is already being reflected within community transport service providers, with over half of CTO

members reporting up to and over a 25 per cent increase in user numbers and trips conducted in the previous 12 months.

I am sure that honourable members from our regions are aware of the vital link that community transport provides between isolated, less mobile Australians and their community. Resources are stretched thin already in regional areas where long-distance trips are undertaken often. As distance is not factored into the cost of a trip and resources are finite, community transport providers must weigh up the cost of providing long-distance trips that service isolated rural Australians against the benefits of conducting more numerous, shorter trips for people in regional centres.

I asked representatives from the Community Transport Organisation what their one wish would be. Their reply was almost instant: certainty of funding. Obviously there is a need for future reform in this area. I am sure my honourable colleagues in this Chamber join with One Nation to thank community transport volunteers and employees for the dedication and compassion with which they carry out their job. We recognise the importance of the services that they provide, often to the most vulnerable people in our State.

STATE BUDGET AND HUNTER REGION

The Hon. CATHERINE CUSACK (23:30:26): Quite literally the New South Wales 2021 budget has delivered in spades for the Hunter region. It creates jobs and supports our people and businesses across the Hunter through the COVID-19 recovery. We have a window of opportunity to do everything possible to kickstart the economy and avoid long-term economic damage. This budget gets the job done. Some key highlights include allocations for transport, with more than \$21 million to continue planning for the M1 extension to Raymond Terrace. That extension is expected to create an estimated 2,700 jobs and is the vital missing link in the M1, which thousands of people use every day. Work is progressing to complete the concept design and environmental impact statement for display next year. Some \$20 million has been allocated for stage five of the Newcastle Inner City Bypass between Rankin Park and Jesmond and \$8.4 million has been allocated for walking and cycling infrastructure across the Lower Hunter region.

Health was a winner with a whopping \$220.3 million in 2020-21 for the \$470 million new Maitland Hospital and \$18 million for the new Maitland Hospital car park. Some \$16 million will be spent this financial year as part of the \$780 million for the John Hunter Health and Innovation Precinct, which is breathtaking, and \$2.6 million in 2020-21 will see the completion of stages two and three of the \$18 million John Hunter Children's Hospital neonatal intensive care unit. In education, the budget allocates \$3.76 million to continue the major upgrade of Ashtonfield Public School and \$1.86 million to deliver a new library at Rutherford Public School, topping off the New South Wales Government's \$21.3 million upgrade. I commend those who lobbied for the funding for that.

Some \$11.79 million has been allocated for Newcastle Airport and Hunter defence aerospace development activation at Williamstown and \$3 million will go towards the \$6.6 million Cessnock Airport upgrade. In particular, the 2020-21 budget reflects Hunter Water's significant capital works program, which is enabling growth, creating jobs, delivering improved services for its customers and better environmental outcomes. The budget papers confirm that over the financial year Hunter Water will spend more than \$220 million on capital infrastructure works as part of its four-year \$653 million capital program.

The New South Wales budget increases the rebate paid to Hunter Water pensioners to \$330 per year, bringing the total assistance provided to pensioners to more than \$15 million. This year 44,000 pensioners across the Lower Hunter are paying less for their water and wastewater bills than in 2019-20. That terrific investment in the Hunter Region is reducing the cost of living pressures on pensioners. Of course, the pension rebate is not the only form of assistance provided by Hunter Water. I would encourage anyone experiencing difficulty paying their water bills to get in touch with Hunter Water to see how it can help. Options such as payment extensions and support for tenants are available.

A review of the Lower Hunter Water Security Plan is underway. Hunter Water has been engaging closely with its community in an open and transparent process. All options are on the table, including water conservation, system leakage reduction, recycling, stormwater harvesting, water sharing with regions, groundwater, dams and desalination. All the options have benefits and trade-offs. Hunter Water's role is to ensure a suitable balance exists in delivery of a resilient and sustainable water system for present and future generations. Information collected on all the options under consideration has been shared with the community. It will form part of our upcoming community engagement in late November and December 2020, which is considering the benefits and trade-offs between portfolios of options. This New South Wales budget takes advantage of record-low borrowing costs in the short term to prevent damage in the long term, while charting a responsible course back to surplus by 2024-25. It puts sound fiscal repair measures in place to ensure that we are ready for the next challenge. This is a budget for jobs—*[Time expired.]*

PRISON OFFICERS VOCATIONAL BRANCH**DIWALI**

The Hon. DANIEL MOOKHEY (23:35:33): Earlier today I had the distinct pleasure of joining about 80 to 90 hardworking delegates of the Prison Officers Vocational [POV] Branch of the Public Sector Association [PSA] for their annual convention. They are some of the hardest working people in the New South Wales prison system with the responsibility of helping prisoners rehabilitate while guarding the very worst in our jails. It was an honour to join them. Labor's firm view is that they are worthy of a pay rise this year—more than has been given to them in the budget. The purpose of the convention was to commemorate the hard work of that union's delegates in what has been a tough year. All of us are alive to the special risks that COVID-19 poses to the prison population and prison guards. Labor salutes those union delegates and members of the POV branch of the PSA for their hard work in these very difficult times.

I had the opportunity to hear one story that stood out. I had the pleasure to meet one delegate in particular, a gentleman by the name of Michael Hutchinson. He is a longstanding union delegate who is well trained and knows his responsibility is to look after his fellow members and workers. Five years ago he found himself and many of his members in the midst of a very nasty dispute with their management team at Corrective Services NSW. As is often the case in industrial disputes, escalation can result in further provocation, which can lead to immense stress for those involved. For Michael's members, an industrial dispute led to Corrective Services NSW levelling false allegations at nine of his members, which resulted in them being criminally charged.

A two-year legal battle ensued to clear the names of those members. Michael was present at all the court hearings and support services that were required for his members. In solidarity with the people he represented, he did it all on his own dime without any form of pay from anyone, which was an immense financial sacrifice for him. Sadly, the false allegations led to massive psychological pressure on those nine members, which resulted in a workers compensation claim. That particular incident became very close to me because one year ago one person who was involved came and saw me. His story prompted me to start paying attention to the goings on of the New South Wales workers compensation system. I will not digress too far to canvas those matters, but I do say that it was a pleasure to meet Michael today and pay tribute to him and the work he did on behalf of his peers.

Without his work supporting those workers it is likely that icare and many others would have got away with what they did. The fact that Michael stood by his members and they therefore had the courage to persist in their claims, meant that massive changes arrived in the New South Wales workers compensation system, which would not have happened without a delegate like Michael and the members whom he supported. Those are the types of relationships that are practical examples of the type of solidarity that the labour movement speaks about often and depends upon. That is what sustains the movement and has done for 120 to 130 years. I congratulate Michael, I salute his union and I pay tribute to the work that he has done in this very difficult time.

It is Diwali season. Hindu Jains and Sikhs worldwide have been marking the celebrations since last weekend: the triumph of good over evil, light over darkness, knowledge over ignorance and hope over despair. Ordinarily people would be gathering in their mandirs wearing fetching finery and praying to the goddess Lakshmi for prosperity for the years ahead. COVID-19 has of course meant that Diwali celebrations this year were very different for all who are celebrating. It is still true that many diyas were lit on the weekend and many mithais—or sweets—were eaten in honour of the vegetarian Lord Ganesh because they were his favourite foods. I am advised that, despite the fact that India is struggling through the pandemic, many fireworks were still unleashed, such that for the next two months there is likely to be a worldwide shortage. I take this opportunity to wish all the people who are celebrating Diwali the very best. I also note that in 10 days we will be marking the birthday of Guru Nanak Dev Ji Jayanti, which is very dear to the people of the Sikh faith. I wish all those who are marking his birth great prosperity for the years ahead.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 23:40 until Thursday 19 November 2020 at 10:00.